

Table of Contents

Agenda	4
Safe Boating Week (U.S. Coast Guard Auxiliary)	
Safe Boating Proclamation	8
Blank Page	9
National Public Works Week	
Proclamation	10
Blank Page	11
Consider approval of the minutes from the May 4, 2015 regular city council meeting, and take any action necessary.	
05/04 cc mtg. mins	12
Blank Page	22
Consider approval of a resolution amending the Parks and Open Space Master Plan to update the Neighborhood Park District Map, and take any action necessary.	
Memo	23
Resolution - Park District Map	24
Blank Page	27
P2015-017 - Consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH -205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.	
P2015-017	28
Blank Page	34
Appointment with members of the Rockwall Youth Advisory Council (YAC) to hear year-end program report and to recognize graduating high school seniors, and take any action necessary.	
Memo_YAC	35
YAC report	36
Blank Page	48
Appointment with Todd Parks, Fixed Base Operator at the Ralph M. Hall / Rockwall Municipal Airport, to hear annual report regarding Airport operations, and take any action necessary.	
FBO Report	49
Blank Page	60
Appointment with representative(s) of Eastridge Church of Christ to hear concerns related to the expiration of an existing facilities agreement between the City of Rockwall and the church, and take any action necessary.	
staff memo	61
Church request letter	62
Expiring agreement	63

Blank page	70
Hold a public hearing to discuss and consider approval of an ordinance amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. (1st reading)	
Memo	71
Ordinance_Park Land Dedication.	72
Blank Page	80
Z2015-014 - Hold a public hearing to discuss and consider approval of an ordinance for a request by Cole Franklin of the Skorburg Company on behalf of the owner the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. (1st Reading)	
Z2015-014	81
Blank Page	102
P2015-015 - Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.	
P2015-015	103
Blank Page	115
Discuss and consider a recommendation from the Atmos Cities Steering Committee regarding adoption of an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the company's 2014 and 2015 Rate Review Mechanism filings, approving a settlement agreement with attached rates, and take any action necessary. (1st reading)	
Atmos	116
Blank Page	150
Discuss and consider (2) nominations for an "outstanding senior who is making a difference in the senior community," as requested by Meals on Wheels Senior Services of Rockwall County, and take any action necessary.	
Ltr from Meals on Wheels.	151
Blank Page	152

Discuss and consider approval of a resolution canvassing the May 9, 2015 General and Special Elections, and take any action necessary.

Memo_canvassing resolution	153
Resolution - canvass elections	154
Blank Page	160

Discuss and consider approval of an ordinance entering an order into the city records declaring that a total of eight (8) Home Rule Charter amendments were approved by the voters of the City on May 9, 2015 and are hereby adopted, and take any action necessary.

Memo_Order Charter Amendments.	161
Ordinance.	162
Blank Page	166

AGENDA
ROCKWALL CITY COUNCIL
Monday, May 18, 2015
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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 appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

AGENDA
ROCKWALL CITY COUNCIL
Monday, May 18, 2015
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS

VII. PROCLAMATIONS / AWARDS

- p.8** 1. Safe Boating Week (U.S. Coast Guard Auxiliary)
- p.10** 2. National Public Works Week

VIII. OPEN FORUM

IX. CONSENT AGENDA

- p.12** 1. Consider approval of the minutes from the May 4, 2015 regular city council meeting, and take any action necessary.
- p.23** 2. Consider approval of a resolution amending the Parks and Open Space Master Plan to update the Neighborhood Park District Map, and take any action necessary.
- p.28** 3. **P2015-017** - Consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

X. APPOINTMENTS

- 1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.
- p.35** 2. Appointment with members of the Rockwall Youth Advisory Council (YAC) to hear year-end program report and to recognize graduating high school seniors, and take any action necessary.
- p.49** 3. Appointment with Todd Parks, Fixed Base Operator at the Ralph M. Hall / Rockwall Municipal Airport, to hear annual report regarding Airport operations, and take any action necessary.

- p.61 4.** Appointment with representative(s) of Eastridge Church of Christ to hear concerns related to the expiration of an existing facilities agreement between the City of Rockwall and the church, and take any action necessary.

XI. PUBLIC HEARING ITEMS

- p.71 1.** Hold a public hearing to discuss and consider approval of an **ordinance** amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. **(1st reading)**
- p.81 2.** **Z2015-014** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Cole Franklin of the Skoburg Company on behalf of the owner the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. **(1st Reading)**
- p.103 3.** P2015-015 - Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.

XII. ACTION ITEMS

- p.116 1.** Discuss and consider a recommendation from the Atmos Cities Steering Committee regarding adoption of an **ordinance** approving a negotiated resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the company's 2014 and 2015 Rate Review Mechanism filings, approving a settlement agreement with attached rates, and take any action necessary. **(1st reading)**
- p.151 2.** Discuss and consider (2) nominations for an "outstanding senior who is making a difference in the senior community," as requested by Meals on Wheels Senior Services of Rockwall County, and take any action necessary.

- p.153 3.** Discuss and consider approval of a resolution canvassing the May 9, 2015 General and Special Elections, and take any action necessary.
- p.161 4.** Discuss and consider approval of an **ordinance** entering an order into the city records declaring that a total of eight (8) Home Rule Charter amendments were approved by the voters of the City on May 9, 2015 and are hereby adopted, and take any action necessary.

XIII. RECOGNITION OF OUTGOING CITY COUNCIL MEMBER, BENNIE DANIELS (PLACE 3)

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 appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

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

XVI. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.086 (Economic Development)

I, Kristy Ashberry, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 15th day of May, 2015 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Ashberry, City Secretary

Jacky Casey, Assistant Secretary

Date Removed

Rockwall, Texas

Proclamation

Whereas, recreational boating continues to grow in popularity with millions of Americans choosing this activity as an ideal way to relax with their families; and

Whereas, increasing public participation in this healthy outdoor sport has emphasized the need for greater attention to courtesy and safety to minimize incidents which often lead to boating mishaps; and

Whereas, a significant number of boaters who have drowned would have had a better chance of surviving had they worn a life jacket; and

Whereas, the U.S. Coast Guard Auxiliary, Flotilla 5-10, Division 5, District 8CR, which represents Lake Ray Hubbard, supports programs which result in our waterways having a relatively safe, accident free record.

Now, therefore, I, Jim Pruitt, Mayor of the City of Rockwall, do hereby proclaim the week of **May 16-22, 2015**, as

Safe Boating Week

in the City of Rockwall and urge all residents to practice safe boating procedures and "Wear It" this week and throughout the boating season.



In Witness Whereof, I hereunto affix my hand and official seal this 18th day of May, 2015.

Jim Pruitt, Mayor

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Proclamation

Rockwall, Texas



Whereas, Public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sanitary and storm sewers, streets and alleys, as well as providing support for various City Departments; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Whereas, National Public Works Week is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works.

Now, Therefore, I, Jim Pruitt, Mayor of the City of Rockwall, do hereby proclaim the week of May 17-23, 2015, as:

NATIONAL PUBLIC WORKS WEEK

in the City of Rockwall, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

In Witness Whereof, I hereunto set my hand and official seal of the city this 18th day of May, 2015.

Jim Pruitt, Mayor

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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.

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

2. Police Week Proclamation

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

3. National Safe Boating Week

This item was deferred until the next meeting.

4. National Day of Prayer

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

VIII. OPEN FORUM

Mrs. Carrie Martin
119 Westminster Drive
(Carrington Farms subdivision)
Fate, Texas

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

IX. CONSENT AGENDA

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

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

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

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

**CITY OF ROCKWALL
ORDINANCE NO. 15-14
SPECIFIC USE PERMIT NO. S-137**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [**ORDINANCE NO. 04-38**] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68 [**ORDINANCE NO. 09-28**] TO ALLOW FOR A GENERAL RETAIL STORE IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 passed unanimously of those present (7-0).

X. APPOINTMENTS

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

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

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

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

- 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.

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. Buzchek explained that the 50' lots were there and included originally.

Mr. Buczek 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

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

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448 **XVI. ADJOURNMENT**

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

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

454 **THIS 18th DAY OF MAY, 2015.**

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Jim Pruitt, Mayor

458 **ATTEST:**

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461 _____
Kristy Ashberry, City Secretary

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: May 11, 2015

SUBJECT: PROPOSED RESOLUTION TO UPDATE PARK DISTRICT MAPS

The adopted Parks and Open Space Master Plan provides for the ability to create neighborhood park spaces to be within convenient distances that serve the majority of the residents. Park districts are established within the Master Plan to provide graphical representation that any given park is established within such convenient locations.

The Master Plan prescribes the goal of an 11 acre park within each park district when possible. The Mandatory Park Land Dedication Ordinance requires residential developers to contribute to the development of neighborhood parks within the district in which they build. The developer is required to contribute in two ways. First by paying a pro-rata equipment fee and second by dedicating suitable park land or pay cash-in-lieu of land fees as defined in the Dedication Ordinance.

The park district map is the basis for calculating the pro-rata share and land required by each developer based on the total maximum dwelling units within each district. The maximum dwelling units within the districts are tied to the Land Use Assumptions Report, which was most recently adopted by City Council in October of 2014.

As land uses change, new areas are annexed and roads are built, the park district map is intended to be updated. The packet includes a map showing 29 existing park districts and a map that shows the proposed changes with 35 total park districts. The additional districts are proposed to account for new areas within the ETJ as well as incorporate areas within a commercial and light industrial corridor along I-30 and SH 276. In the event that a residential development comes in or a rezoning is granted in these areas, a park district would need to be in place in order to collect the required fees.

At the May meeting, Park Board voted unanimously to recommend to City Council the approval of the updated park district map.

CITY OF ROCKWALL

RESOLUTION NO. 15-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PARKS, RECREATION & OPEN SPACE MASTER PLAN 2010-2020 BY APPROVING AN UPDATED PARK DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall has adopted updated land use assumptions (*Resolution No. 14-16*) in accordance with Chapter 395, *Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments*, of the Texas Local Government Code; and

WHEREAS, the growth projections for the City contained within the adopted *Land Use Assumptions Report* show residential growth in areas designated for *Technological/Light Industrial/Commercial* on the current *Park District Map (Exhibit 'A')* contained within the *Parks, Recreation & Open Space Master Plan 2010-2020*; and

WHEREAS, the new *Park District Map (Exhibit 'B')* removes the *Technological/Light Industrial/Commercial* designation and places all areas within the City and its extraterritorial jurisdiction into districts subject to the collection of cash-in-lieu of land and pro-rata equipment fees for new residential development; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THAT:

Section 1. The new *Park District Map* shall supersede and replace the prior *Park District Map* contained within the *Parks, Recreation & Open Space Master Plan 2010-2020*.

Section 2. This resolution shall take effect immediately upon its adoption, and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 18TH DAY OF MAY, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

Exhibit 'A'
Current Park District Map

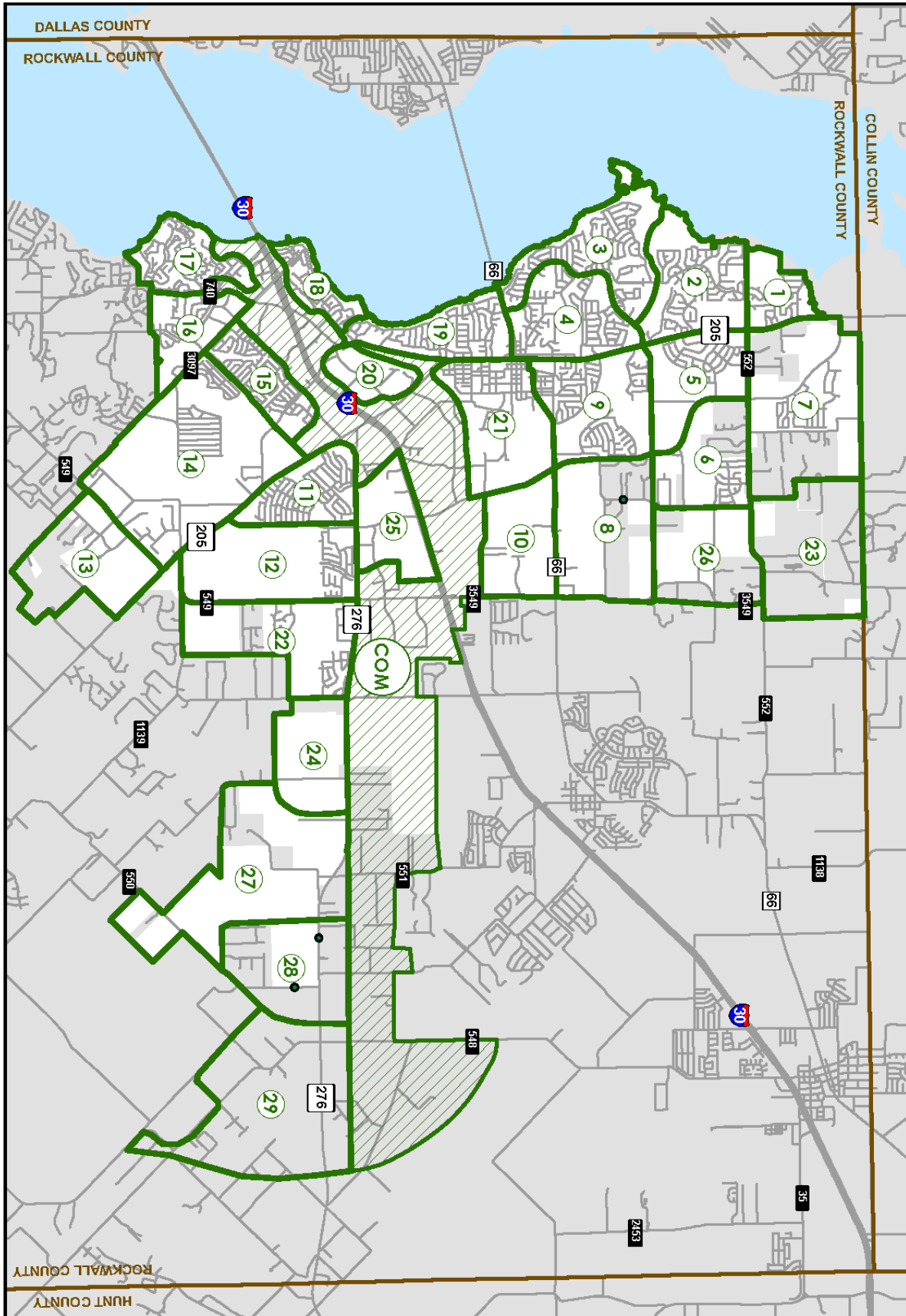
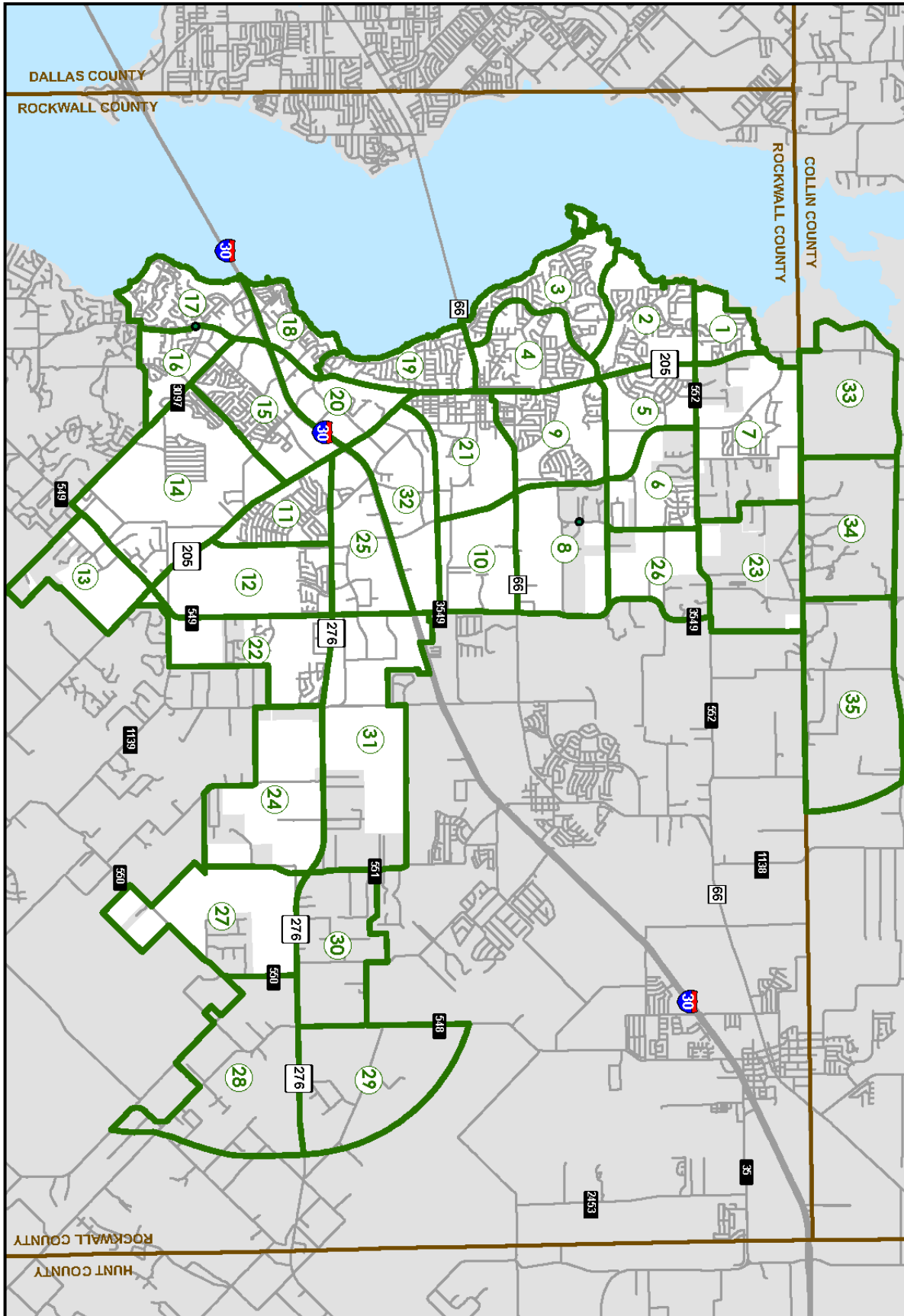


Exhibit 'B'
Proposed Park District Map



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CITY OF ROCKWALL

CITY COUNCIL MEMO

AGENDA DATE: 05/18/2015

APPLICANT: Ashley Malone on behalf of Lay Construction, LLC

AGENDA ITEM: P2015-017 (HJG Plaza Addition – Final Plat)

SUMMARY:

Discuss and consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. *Goliad Street*] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

COMMENTS:

- The objective of the request is to final plat a 2.064-acre vacant tract of land into two separate parcels, Lot 1 being 1.154-acres & Lot 2 being 0.910-acres, for the purpose of development.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions listed in the Recommendations section below.
- With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

RECOMMENDATIONS:

If the Planning & Zoning Commission and City Council choose to approve the request for final plat, staff would recommend the following conditions of approval:

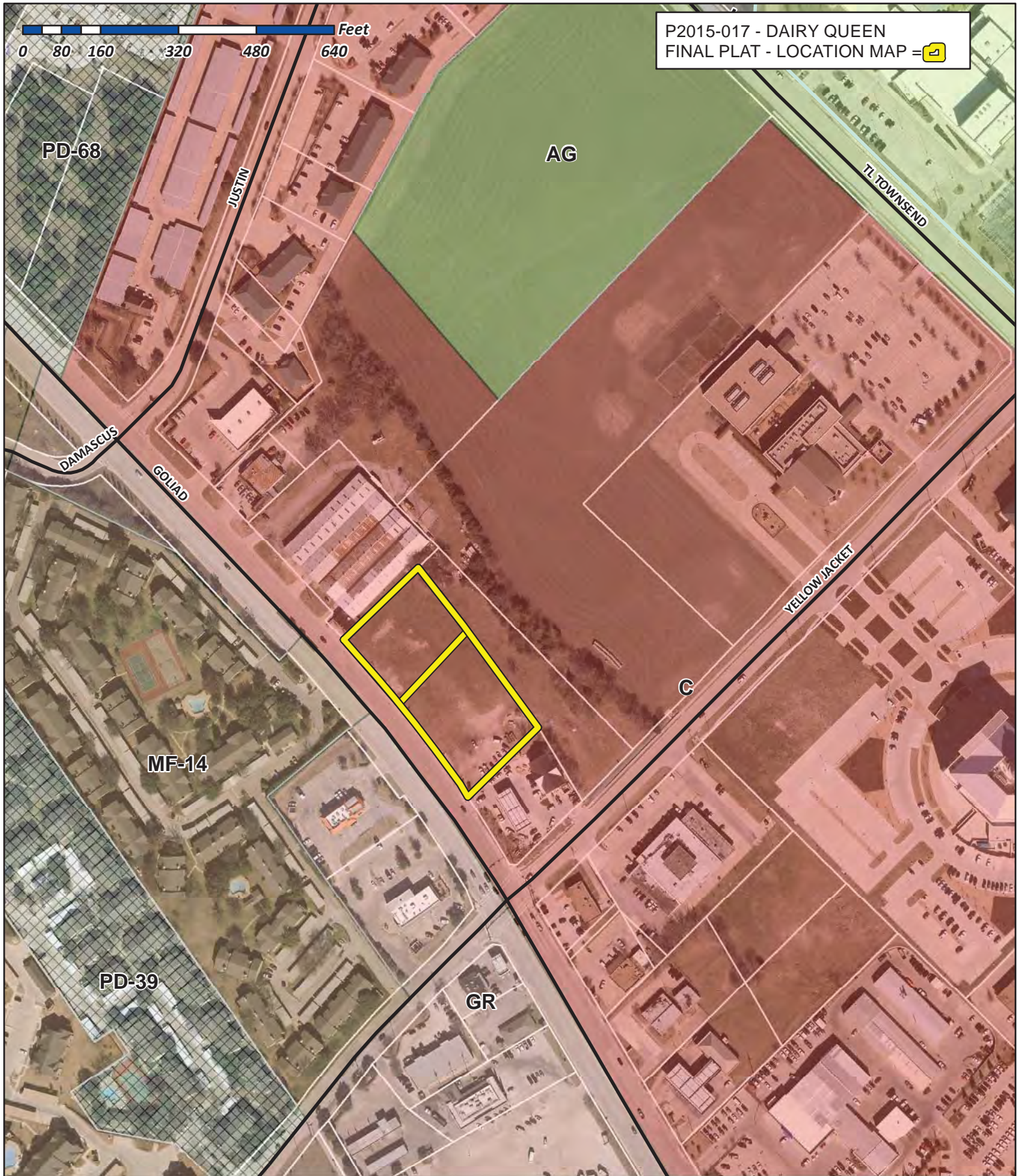
A) All the technical comments from the Planning, Engineering and Fire Departments shall be addressed prior to the filing of this plat, including the following comments;

1. Adherence to Engineering and Fire Department standards.
2. Address all staff comments as listed in the Project Plan Review (see attached).

B) Any construction resulting from the approval of this final plat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Recommendation:

On May 12, 2015, the Planning and Zoning Commission recommended approval of the final plat with staff conditions by a vote of 5 to 0 [Conley & Lyons – absent].



City of Rockwall

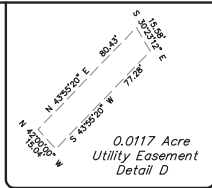
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



LEGEND

- = Concrete
- = Water Meter
- = Power Pole
- = Fire Hydrant
- = Water Line
- = Sewer Line
- = Over Head Electric
- = Fire Lane
- = 1/2" Iron Rod Found
- = 1/2" Iron Rod Set



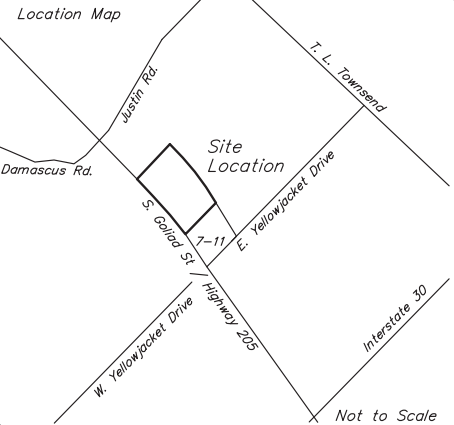
Bayview Loan Servicing LLC
Called 1.922 Acres
Doc. No.: 2013-490955
Exhibit A

B. J. T. LEWIS
A-225

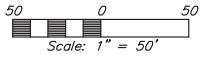
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E: 2596609.6610

FIRE LANE INFORMATION

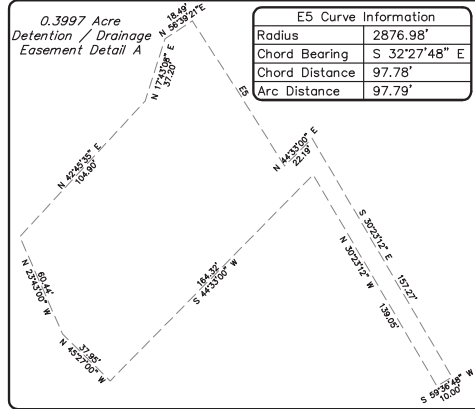
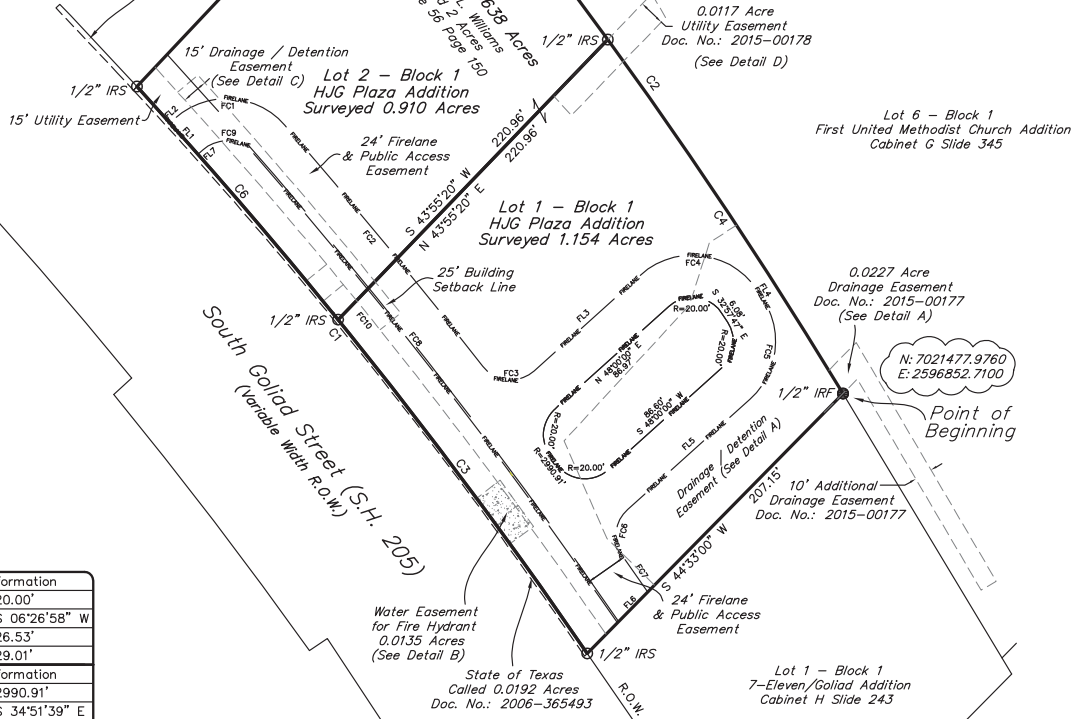
NO.	Bearing	DIST.
FL1	N 41°42'51" W	24.00'
FL2	N 48°06'45" E	3.76'
FL3	N 48°00'00" E	81.43'
FL4	S 32°57'47" E	6.08'
FL5	S 48°00'00" W	93.65'
FL6	S 44°33'00" W	24.44'
FL7	S 48°06'45" W	3.84'



C1 Curve Information	
Radius	2923.79'
Chord Bearing	N 38°27'39" W
Chord Distance	411.31'
Arc Distance	411.65'
C2 Curve Information	
Radius	2864.79'
Chord Bearing	S 35°22'50" E
Chord Distance	419.77'
Arc Distance	420.15'
C3 Curve Information	
Radius	2926.75'
Chord Bearing	N 36°44'44" W
Chord Distance	236.63'
Arc Distance	236.70'
C4 Curve Information	
Radius	2864.79'
Chord Bearing	S 33°35'41" E
Chord Distance	241.48'
Arc Distance	241.55'
C5 Curve Information	
Radius	2864.79'
Chord Bearing	S 37°47'46" E
Chord Distance	178.56'
Arc Distance	178.60'
C6 Curve Information	
Radius	2928.97'
Chord Bearing	N 40°46'54" W
Chord Distance	174.92'
Arc Distance	174.95'

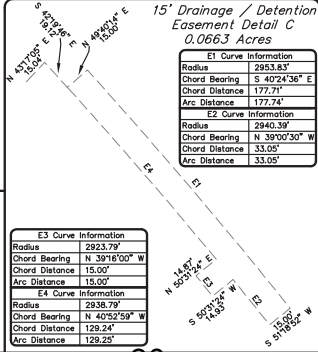
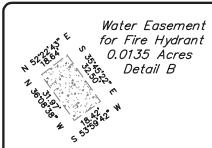


State of Texas
Called 0.0045 Acres
Doc. No.: 2007-381301



F1 Curve Information	
Radius	44.00'
Chord Bearing	S 86°28'24" E
Chord Distance	62.67'
Arc Distance	69.75'
F2 Curve Information	
Radius	2990.91'
Chord Bearing	S 39°21'41" E
Chord Distance	177.20'
Arc Distance	177.23'
F3 Curve Information	
Radius	20.00'
Chord Bearing	S 84°49'54" E
Chord Distance	29.33'
Arc Distance	32.93'
F4 Curve Information	
Radius	44.00'
Chord Bearing	S 82°28'54" E
Chord Distance	66.93'
Arc Distance	76.06'
F5 Curve Information	
Radius	44.00'
Chord Bearing	S 07°31'06" W
Chord Distance	57.13'
Arc Distance	62.18'

F6 Curve Information	
Radius	20.00'
Chord Bearing	S 06°26'58" W
Chord Distance	26.53'
Arc Distance	29.01'
F7 Curve Information	
Radius	2990.91'
Chord Bearing	S 34°51'39" E
Chord Distance	25.11'
Arc Distance	25.11'
F8 Curve Information	
Radius	2966.91'
Chord Bearing	N 37°47'43" W
Chord Distance	337.82'
Arc Distance	338.00'
F9 Curve Information	
Radius	20.00'
Chord Bearing	N 86°28'24" W
Chord Distance	28.49'
Arc Distance	31.71'
F10 Curve Information	
Radius	2938.79'
Chord Bearing	N 38°30'00" W
Chord Distance	411.61'
Arc Distance	411.95'



Owner:
Rockwall Ice Cream Holdings, LLC
121 Eagle Point Dr.
Waxahachie, TX 75165

WALKER & ASSOCIATES
SURVEYING INC.

10819 HWY 69 N. - TYLER, TEXAS 75706
PHONE: 903-534-9000 - FAX: 903-534-9616
www.walkersurveying.com - TYPIS Firm No.: 10025300

FINAL PLAT
HJG Plaza Addition
LOT 1 & 2, BLOCK 1 - BEING 2.0638 ACRES
OUT OF THE B.J.T. LEWIS A-225
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

DRAWN BY: C.H.J.	DATE: APRIL 28, 2015
SHEET 1 OF 2	JOB NO.: J10747
G:\J10747\REPLAT.DWG	CASE NO.: P2015-017

STATE OF TEXAS}
COUNTY OF ROCKWALL}

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS.

We _____ the undersigned owners of the land shown on this plat, and designated herein as the HJG Plaza subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the DAIRY QUEEN ADDITION subdivision have been notified and signed this plat. We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips, and any public utility shall at all times have the right of ingress or egress to, from, and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to the pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence or work done; or

Until the developer and/or owner files a corporate surety bond with the city of secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I further acknowledge that the dedications and/or exactions made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City. My successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.

Rockwall Ice Cream Holdings, LLC (Owner)

Date

STATE OF TEXAS }
COUNTY OF ROCKWALL }

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration therein stated

GIVEN MY HAND SEAL OF OFFICE this the _____ of _____, 2015.

Notary Public, State of Texas

My commission expires:

GENERAL NOTES

- 1) It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

OWNERS CERTIFICATE

STATE OF TEXAS}
COUNTY OF ROCKWALL}

WHEREAS, Rockwall Ice Cream Holdings, LLC, is the owner of a tract located in the B.J.T. LEWIS Survey A-225, in the City of Rockwall, being all of the same land being called 2 acres conveyed to Horace L. Williams as described and recorded in Volume 56 Page 150 of the Deed Records of Rockwall County, Texas, less and except a called 0.0192 acre tract conveyed to the State of Texas as described and recorded in Document Number 2006-365493 of the Deed Records of Rockwall County, Texas, said 2.0638 acre tract to be more particularly described as follows;

Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, N.A.D. 1983.

BEGINNING at a ½" iron rod found for the Southeast corner of herein described tract, same point also being the Northeast corner of Lot 1, Block 1 of the 7-Eleven /Goliad Addition as recorded in Cabinet H, Slide 243 of the Plat Records of Rockwall County, Texas, same point also being on the Southwest line of Lot 6, Block 1 of the First United Methodist Church Addition as recorded in Cabinet G, Slide 345 of the Plat Records of Rockwall County, Texas;

THENCE South 44°33'00" West along and with the Northwest line of said Lot 1 Block 1 of the 7-Eleven/Goliad Addition a distance of 207.15 feet to a ½" iron rod set for corner, same point being the Southwest corner of said Lot 1, Block 1 7-Eleven/Goliad Addition, same point being the Southeast corner of said called 0.0192 acre tract, same point also being on the East line of South Goliad Street, also known as S.H. 205 having a variable width R.O.W., same point also being the beginning of a curve to the left;

THENCE along and with the East line of South Goliad Street, also being said curve to the left having a radius of 2923.79 feet, said curve also having a chord bearing of North 38°27'39" West and having a chord distance of 411.31 feet, and having an arc distance of 411.65 feet to a ½" iron rod set for corner, same point being on the East line of South Goliad Street, same point also being the Northeast corner of said called 0.0192 acre tract, same point also being the Southeast corner of a called 0.0045 acre tract conveyed to the State of Texas as described and recorded in Document Number 2007-381301 of the Deed Records of Rockwall County, Texas, same point also being the Southwest corner of the residue of a called 1.922 acre tract conveyed to Bayview Loan Servicing LLC as described and recorded in Document Number 2013-490955 of the Deed Records of Rockwall County, Texas;

THENCE North 43°17'39" East along and with the Southeast line of said called 1.922 acre tract a distance of 230.55 feet to a 3/8" iron rod found for corner, same point being on the South line of said called 1.922 acre tract, same point also being the Northwest corner of said Lot 6, Block 1, of the First United Methodist Addition, same point also being the beginning of a curve to the right;

THENCE along and with the West line of said Lot 6, Block 1 of the First United Methodist Church Addition, also being said curve to the right having a radius of 2864.79 feet, said curve also having a chord bearing of South 35°22'50" East and having a chord distance of 419.77 feet, and having an arc distance of 420.15 back to the PLACE OF BEGINNING and containing 2.0638 acres of land.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Dennis H. Walker, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly places under my supervision.

Dated this the _____ day of _____, 2015

Dennis H. Walker
State of Texas
R.P.L.S. No: 2117
Walker & Associates Surveying, Inc.
903-534-9000

RECOMMENDED FOR FINAL APPROVAL

Planning & Zoning Commission, Chairman

Date

APPROVED:

I hereby certify that the above and forgoing plat of an addition to the City of Rockwall, Texas was approved by the City Council of the City of Rockwall on the

_____ day of _____, 2015.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within on hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this the _____ day of _____, 2015

Mayor, City of Rockwall

City Secretary

City Engineer



**WALKER & ASSOCIATES
SURVEYING INC.**

10819 HWY 69 N. - TYLER, TEXAS 75706
PHONE: 903-534-9000 - FAX: 903-534-9616
www.walkersurveying.com - TBPIS Firm No: 10025300

FINAL PLAT

HJG Plaza Addition

LOT 1 & 2, BLOCK 1 - BEING 2.0638 ACRES
OUT OF THE B.J.T. LEWIS A-225
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

DRAWN BY: C.H.J.	DATE: APRIL 28, 2015
SHEET 2 OF 2	JOB NO.: J10747
G:\J10747\REPLAT.DWG	CASE NO: P2015-017

Owner:
Rockwall Ice Cream Holdings, LLC
121 Eagle Point Dr.
Waxahachie, TX 75165

5/8/2015

City of Rockwall

Project Plan Review History



Project Number P2015-017	Owner WILLIAMS, HORACE LEE JR AND	Applied 4/22/2015 LM
Project Name DAIRY QUEEN	Applicant LAY CONSTRUCTION LLC	Approved
Type PLAT		Closed
Subtype FINAL		Expired
Status STAFF REVIEW		Status 4/22/2015 LM

Site Address	City, State Zip	Zoning
1415 S GOLIAD	ROCKWALL, TX	

Subdivision	Tract	Block	Lot No	Parcel No	General Plan
7-ELEVEN / GOLIAD	36		36	0255-0000-0036-00-OR	

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Shannon	4/22/2015	4/29/2015	4/22/2015		APPROVED	
BUILDING	John Shannon	5/6/2015	5/13/2015	5/6/2015		APPROVED	
ENGINEERING (4/23/2015 8:14 AM AW) Engineering Comments on plat. The detention areas are to be labeled "Drainage and Detention" Give bearing and distances for 15' utility easement along SH 205 Add letters to details to clarify Move text around to make it easier to see.	Amy Williams	4/22/2015	4/29/2015	4/23/2015	1	COMMENTS	See Comments
ENGINEERING	Amy Williams	5/6/2015	5/13/2015	5/6/2015		APPROVED	
FIRE	Ariana Hargrove	4/22/2015	4/29/2015	4/24/2015	2	APPROVED	
FIRE	Ariana Hargrove	5/7/2015	5/14/2015	5/7/2015		APPROVED	revisions
GIS	Lance Singleton	4/22/2015	4/29/2015				
PLANNING	David Gonzales	4/22/2015	4/29/2015	4/23/2015	1	COMMENTS	See comments

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
<p>Discuss and consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.</p> <p>Planning Department General Comments:</p> <ol style="list-style-type: none"> 1. Adherence to Engineering and Fire Department standards. 2. Correct Title Block to include the following additions to read as follows: "HJG Plaza Addition" & "Lots 1 & 2, Block 1, being 2.0638-acres". 3. Label each lot to include "HJG Plaza Addition" - ex. Lot 1, Block 1, HJG Plaza Addition, 1.154- acres. 4. Relabel as Drainage/Dention Easement on Lot 1 by removing "Proposed Underground..." 5. Indicate 25-ft front building setback line (per SH205 OV). 6. "Dash-in" State of Texas right-of-way dedication in order to delineate from the property line. 7. Move Owners Certificate/legal description to page 2 to prevent crowding of plat. 8. Notary not necessary when plat is stamped by Surveyor - remove. 9. Will there be shared parking for either site? If so, an off-site parking agreement must be excuted and submitted prior to CO. 10. Provide label indicating "Case No. P2015-017" at the lower right hand corner of each page. 11. All revised/corrected plans are to be submitted to the Planning Department by Tuesday, May 5th, 2015. 							
Planning Department	David Gonzales	5/7/2015	5/8/2015	5/8/2015	1	APPROVED	See comments
1. Adherence to all Engineering and Fire Department standards.							

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor & City Council Members

FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager

DATE: May 15, 2015

SUBJECT: Youth Advisory Council (YAC) at council meeting

Members of this year's Youth Advisory Council (YAC) will be at the council meeting on Monday evening to deliver the group's year-end report to the Council. It will also be an opportunity to recognize two outgoing seniors, Elsa Castro and Mie Pighee, as they are graduating high school and will be leaving the YAC.



City of Rockwall

Youth Advisory Council 2014-2015

Year End Overview

- September
 - YAC members selected
 - Attend city council meeting
 - Kick off social at Braum's
- October
 - First official YAC Mtg. held
 - Expectations set and officers selected
- November
 - Police Department visit (SWAT Team)

continued...

- December
 - Session with various city staff (Engineering, Fire and Planning): Overview of “development process”
- January
 - Guest Speaker: Michael Kovacs, Fate City Manager (education and career progression to City Manager)
 - YAC Summit – Killeen, TX
- February
 - Guest Speaker: Mike Donegan (History of Rockwall)

continued...

- March
 - FD rappelling got cancelled due to icy weather
- April
 - Visit Squabble Creek Wastewater Treatment Plant
 - Rappelling with Fire Dept.
- May
 - Year end social at Shenaniganz
 - Guest speaker: Molly Peterson (Rockwall Animal Adoption Center / CCHS)

First City Council Meeting



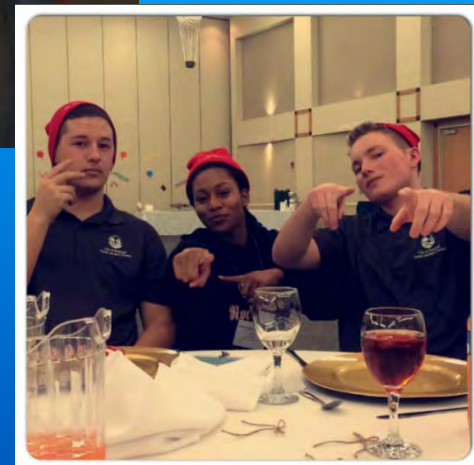
continued...



Meeting with the PD/SWAT Team



YAC Summit



Guest Speaker

- Fate City Manager
 - Education and career progression
 - Managing a small vs. larger city



Water Treatment Plant



Rappelling



Shenaniganz Social



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Texas Air Center, LLC



FBO Annual Report



May 13th, 2015

Table of Contents

Introduction	ii
Texas Air Center, LLC	ii
FBO Operations	iii
Fuel Sales	iv
Hangar Rentals	iv
Airport Utilization	v
Aircraft Operations	v
Airport Revenues	vi
Fiscal Year 2016 Objectives	vii
Hangar & Ramp Renovations	vii
Airport Ordinances	vii
Through The Fence Agreements	vii
Supporting Documents	viii
Historical Fuel Sales Data	viii
Historical Hangar Sales Data	viii

Introduction

Texas Air Center, LLC

Texas Air Center LLC. operates under contract with the City of Rockwall to provide airport management and aircraft services to based and transit aircraft operating in and out of the airport. In operation since April 1st of 2014 we have provided exceptional service to visitors, airport tenants, residents living in areas surrounding the airport and the citizens of Rockwall. Our objectives in April of 2014 were as follows;

- Provide financial stability to FBO operations,
- Insure the availability of Jet-A and 100LL Aviation Fuel
- Improve relations with existing tenants.
- Provide hangar storage for new tenants.
- Increase airport revenues consistent with FAA self sufficiency guidelines.
- Work with city management to preserve and manage existing airport facilities
- Work with city management to submit Capital Improvement plans to Texas Department of Transportation
- Work with city management to insure fair access to existing hangar space by the flying public.
- Develop ordinances designed to enhance airport safety, security, and compliance with FAA grant assurances

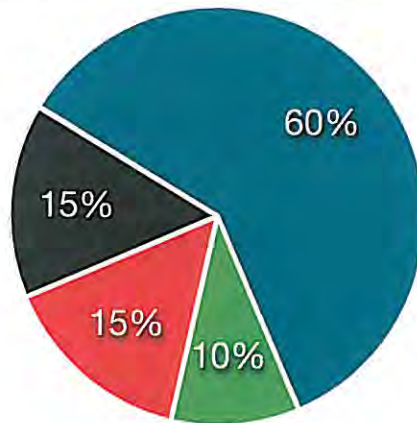
While substantial progress has been made on some objectives we must also concede that others have not been fully met due to financial and facility constraints. We face substantial hurdles including maintenance and repair of existing structures, airport equipment and repairs to ramp areas, taxiways, and runways. It should be noted that development of a budget that addresses the needs of the airport was not possible going into 2015 due to the short time the FBO contract had been in place. We are looking forward to our first year of working with city management to develop a working plan for addressing the needs of the airport for 2016. Our goals will not change because we view them as essential to the safe and efficient operation of the airport.

Finally, we would like to thank the mayor, council members, city management and particularly Joey Boyd. Joey has worked tirelessly on the city's behalf to further the development of the airport where possible and we are grateful for his and his staff's support. If we can provide additional details before the May 18th council meeting please let us know.

FBO Operations

Line Services	Technical Services	Aircraft Rentals	Airport Management
Aircraft fueling and ground service operations	Aircraft maintenance, inspection, and overhaul	Aircraft rental as a profit center and supporting aircraft instruction	Airport property management and coordination with assistant to the City Manager
Operational Anchor	Capital Intensive Operations	Drives Airport Operations & Activity	Limited role in management of airport.

● Fuel Sales
 ● Technical Services
 ● Aircraft Rentals
 ● Airport Management



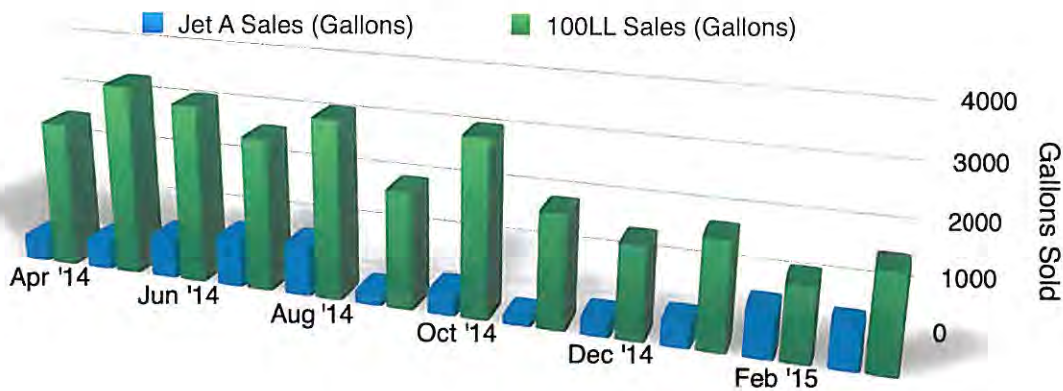
Texas Air Center, Product Mix

Texas Air Center currently operates seven days per week from 7:00 AM until 7:00 PM. With city council approval we closed at 6:00 PM during the months of December, January, February and March. Staffing includes the FBO manager, one full time line service employee and one part time employee working Sundays. FBO operations as listed above include line services to based and transient aircraft, technical services to based, transient and local aircraft, aircraft rentals in support of flight training operations and airport management services to the City of Rockwall.

Fuel Sales

Fuel sales for April 2014 through March of 2015 did not meet expectations due in part to faulty projections on TAC management's part, poor weather conditions and disappointing flight activity. Fuel sales have been reported each month to city management and these figures are illustrated below for council's convenience. In comparing previous year's fuel sales to this years sales one should take into consideration the use of the airport by aircraft temporarily displaced by construction at Sulphur Springs as well as re-location of one high volume customer to Mesquite airport following a change in aircraft type. TAC management views fuel sales as dependent on airport utilization and as such does not anticipate significant improvement (outside of weather conditions) absent upgrades in the quality and quantity of hangar space and improvements to airside assets (ramps, taxiways and runways).

TAC Fuel Sales - April 2014 to March 2015



Hangar Rentals

Rentable hangar facilities at the Rockwall Airport consist of 45 city owned covered "patio" hangars and 31 enclosed hangars operating under a ground lease contract with Eagle's Nest. The patio hangars are located on the East side of the field the ground lease hangars on the West side. The East side patio hangars rent for \$85.00/month with rents going to the FBO per the current FBO contract. The West side hangars currently rent for \$290.00 per month for small enclosed hangars and \$560.00 per month for each of the three twin hangars. One large hangar is also covered under the West side ground lease and rents for \$1500.00 per month. The west side hangar ground lease provides for a 25% ground lease applied to these hangar rents paid to the city



Airport Utilization

Airport utilization is best characterized by the number of operations flown during a particular time period by based and transient aircraft. The characteristics of the Ralph M. Hall/Rockwall Municipal airport do not support operations by transient aircraft demanding higher volumes of fuel. These would include turboprops and jet aircraft. Generally speaking, the transient aircraft visiting Rockwall are small aircraft on pleasure trips or aircraft and helicopters engaged in flight training activities. The table below illustrates that although there are a relatively large number of aircraft based on the field, a majority of those are rarely active.

Aircraft Operations

There are 73 aircraft based at the airport. These are all light (under 12,500 LBS) general aviation aircraft made up of small jet, light twin, single engine turbo-prop and single engine piston aircraft. Given the current operational restrictions of the airport in terms of runway length and width we would not anticipate this mix of aircraft changing in the future. To summarize, very few based aircraft utilize the airport on a regular basis. A majority of the aircraft traffic consists of helicopter and single engine aircraft training flights that have to date not taken fuel or used ramp facilities in any appreciable amount.

Light Jet	Single Engine Turbine	Twin Engine Piston	Single Engine Piston
1	1	4	67

Flight Frequency/ Month	Light Jet	Single Engine Turbine	Twin Engine Piston	Single Engine Piston
0	0	0	2	45
>1	0	0	0	15
>3	1	1	2	3
>5	0	0	0	4

Airport Revenues

Airport revenues consist of contracted percentages paid on hangar rentals, fuel sold and through the fence agreements. Per the FBO contract, through the fence agreement and ground lease revenues are not paid to Texas Air Center. City management has been provided information obtained on leasing activities to the extent we know them and corrections to amounts due the city were made in 2014 which did increase those revenues coming in to the airport fund. Our goal remains to continue working with city management to maximize the income generated by the airport in order to bring the airport as close to self sufficiency as possible.

Month	Fuel Flowage Fees	Hangar Lease Fees	Total
April 2014	\$313.16	\$145.00	\$458.16
May 2014	\$403.14	\$138.00	\$541.14
June 2014	\$401.45	\$161.25	\$562.70
July 2014	\$371.64	\$159.25	\$530.89
August 2014	\$419.08	\$120.50	\$120.50
September 2014	\$232.99	\$151.00	\$383.99
October 2014	\$368.29	\$160.75	\$529.04
November 2014	\$219.54	\$139.50	\$359.04
December 2014	\$196.27	\$164.65	\$360.92
January 2015	\$235.38	\$197.32	\$432.70
February 2015	\$214.84	\$166.75	\$381.59
March 2015	\$245.49	\$171.00	\$416.49
Total Revenues	\$3621.27	\$1874.97	\$5077.16

Fiscal Year 2016 Objectives

Hangar & Ramp Renovations

Beginning in April 2015 Texas Air Center began terminating lease agreements on the terminal offices, commonly referred to as the flight school, and the North hangar facility previously occupied by Rockwall Air Service and Rockwall Flite. This was not an easy decision. TAC management was sympathetic to businesses that had operated on the field for many years. Our preference would have been to find ways to work with existing business in a manner that took into account the limited space available for commercial aeronautical operations. However, proposals designed to make this happen were rejected. As of May 1st 2015 we have cleaned out both the terminal offices and the north hangar and are in the process of re-modeling both. The terminal offices have been painted and new carpet is expected to be installed within the next two weeks. These offices will be used as flight training rooms and offices for TAC management. We anticipate the North maintenance hangar being used for the storage of aircraft previously unable to base on the field following repairs and replacement of lighting fixtures and upgrades to the door system required for safety. City management has also submitted a letter of interest to TxDOT Aviation for funding of extensive repairs to airport paved surfaces, hangar drainage and hangar repair. City staff and Texas Air Center management have met with TxDOT Aviation planners on site and are working with them to get these projects programmed and scheduled as soon as set and federal funds become available. We are optimistic that the 2016 budget process will address the city's portion of funding for these projects and their implementation will serve to increase utilization of the facilities and revenues for the FBO and the city of Rockwall..

Airport Ordinances

City ordinances covering the operation of airports are written to insure that FAA grant assurances are met and that the airport is run in a manner that promotes the safety and well being of airport users and their aircraft. These ordinances provide rules and procedures covering the movement and operation of aircraft on the field, their storage in hangar facilities and the conduct of commercial and private aeronautical activities. TAC management has begun working with city management in drafting a set of airport rules and regulations that will serve all of these purposes. Submission of these ordinances for council approval is anticipated within the next 60 days following review with the airport subcommittee and TxDOT Aviation.

Through The Fence Agreements

Through the fence agreements are contracts between property owners owning land adjacent to an airport who wish to access airside facilities while retaining ownership of private property. In the interest of protecting airport operations and the right of property owners accessing the airport we would recommend that all through the fence agreements be reviewed as soon as possible.

Supporting Documents

Historical Fuel Sales Data

Historical Hangar Sales Data

Historical Fuel Sales Data

Year	January	February	March	April	May	June	July	August	September	October	November	December
2010	3,248.30	5,010.00	4,614.50	3,748.00	4,078.30	4,204.90	4,318.40	5,475.40	5,531.80	6,618.50	5,772.30	5,520.60
2011	3,319.50	2,083.90	Unavailable	3,521.30	3,425.90	4,682.60	4,854.90	4,405.40	3,270.50	4,188.40	3,496.50	3,756.70
2012	4,233.20	3,965.90	4,635.40	4,628.20	4,277.70	4,060.90	3,622.50	4,143.80	3,690.40	3,486.90	4,040.50	2,790.90
2013	2,328.00	1,895.30	2,020.10	3,311.60	3,048.70	3,297.80	3,850.50	3,536.00	3,397.80	Unavailable	Unavailable	Unavailable
2014	Unavailable	Unavailable	Unavailable	3131.6	4031.4	4014.5	3691.6	4201.1	2352.8	3626.2	2195.4	1962.7
2015	2353.8	2148.4	2454.9									

Historical Hangar Sales Data

Year	January	February	March	April	May	June	July	August	September	October	November	December
2010	\$ 2,640.00	\$ 2,536.40	\$ 2,700.00	\$ 3,470.00	\$ 2,630.00	\$ 2,828.89	\$ 2,398.51	\$ 2,280.00	\$ 2,780.00	\$ 2,360.00	\$ 1,870.00	\$ 3,060.00
2011	\$ 1,940.00	\$ 1,870.00	\$ 2,220.00	\$ 2,150.00	\$ 1,940.00	\$ 2,290.00	\$ 2,220.00	\$ 2,220.00	\$ 2,850.00	\$ 2,080.00	\$ 1,800.00	\$ 2,150.00
2012	\$ 2,220.00	\$ 2,500.00	\$ 2,570.00	\$ 2,150.00	\$ 2,220.00	\$ 2,430.00	\$ 2,150.00	\$ 2,570.00	\$ 2,220.00	\$ 2,570.00	\$ 1,660.00	\$ 1,940.00
2013	\$ 1,940.00	\$ 1,660.00	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable
2014	Unavailable	Unavailable	Unavailable	\$ 2,373.00	\$ 3,068.48	\$ 3,309.00	\$3171.00	\$2498.00	\$2960.00	\$3236.00	\$2860.00	\$2437.91
2015	\$ 3,974.41	\$3342.00	\$3854.00									

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MEMORANDUM

TO: Rick Crowley, City Manager

FROM: Mary Smith, Assistant City Manager

DATE: May 1, 2015

SUBJECT: Facilities Agreement – Eastridge Church of Christ

Eastridge Church of Christ constructed their building on FM549 in 2004. In order to build on their site, adequate fire flow was necessary. The area is served by Blackland Water Supply that did not meet city standards for fire flow. The City agreed to construct a 16" waterline, for fire protection purposes only, and accept an agreement for the church to make annual payments toward the total cost of the line, which was \$175,500. Blackland WSC is still serving the Church for domestic water.

There are parcels of land in the immediate area, which will be served by this water line in the future, and the developer of those tracts will have to pay pro-rata fees based on the cost of the line.

The Agreement signed in 2004 required annual payments for 5 years, which were paid in a timely manner, and then a balloon payment in 2009 or the opportunity to revisit the agreement. At that time, Eastridge asked for an extension of the agreement to allow payments to continue over 5 more years with another balloon payment or opportunity to revisit. At this time, the Church's payments are current and the remaining balance is \$47,725. The balloon at the end of the current period is equal to the amount that developers are required to pay when they do come in for development. The agreement, if the Church pays the final amount, would have the City reimburse the Church up to the \$47,725 amount.

Rather than extend the agreement again, the Church leaders have asked the City to consider forgiving the remaining balance since the City retains the ability to collect the remaining balance from future development. If the Council will not approve forgiving the balance then the Church would like a ten-year repayment schedule for the remaining balance.

The Church's request letter as well as a copy of the 2009 Facilities agreement is included in the Council packet for review. Church leaders will attend to present the request to Council for consideration.

670 Stodghill Road Rockwall, TX 75087 972-771-9161

church@eastridge.cc www.eastridge.cc



April 15, 2015

Mary P. Smith
City of Rockwall
385 S. Goliad St.
Rockwall, TX 75087

Dear Mary:

Eastridge Church of Christ would like to request that the balance of \$47,725.00 be forgiven by the city of Rockwall, Texas. In the original agreement it was documented that the balance would be revisited by the parties if both agree to do so.

There is much potential for development in the area and the city will have the opportunity to collect on the water line from future developers. Eastridge Church of Christ has paid a total of \$127,775.00 to date.

If relief is not granted, we are requesting a payment plan to pay off the balance in 10 years.

Thank you for your consideration of this request.

Mike Singleton
Elder
Eastridge Church of Christ



STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

FACILITY AGREEMENT

(Replaces the May, 2004 Agreement)

This Agreement is entered into on the _____ day of December, 2009, by and between the City of Rockwall, Texas ("City") and Eastridge (formerly Lakeside) Church of Christ ("Church").

WITNESSETH:

Section 1. That in consideration of the construction of the Eastridge Church of Christ Building located in Rockwall, Texas, the parties agree as follows:

Church agrees to the following:

- a. Participate in the construction cost of the 16" water line in FM 549 from the IH 30 Service Road to the northeast property corner of the Church.
- b. The Church will make the following payments to pay off the remainder of the original amount (\$175,500- \$77,574.00= **\$97,926.00**):
 1. Initial payment due within one week of execution of this agreement- \$10,000.00.
 2. Annual payment of \$10,000.00 due June 1, for the next 3 years, beginning June 1, 2010 (2010, 2011, 2012).
 3. Year 4 payment of \$10,201.00.
 4. Balance Due Year 5- \$47,725.00.
- c. At the conclusion of the five-year period, the balance of the participation due may be revisited by the parties if both agree to do so.
- d. Any pro-rata collected by the City due to development adjacent to the water line, will be credited to the Church's Year-5 balance (\$47,725.00) up to the maximum amount of reimbursement due to the Church of \$47,725.00.
- e. If the Church should undertake any additional expansion of the facility prior to the end of the five-year payout, the full amount of any remaining participation will be due prior to start of construction of the expansion.

- f. Any future expansion to the Church may cause the need for the Church to construct an additional line down Airport Road for additional fire flows, depending on the type of expansion.

Section 2. The City agrees to the following:

- a. Construct the 16-inch water line up FM-549 from the IH-30 Service Road to the Church's northeast property corner.
- b. Collect pro-rata from developers, of undeveloped land adjacent to the water line, for one-half of the cost of a 12" water line. The City will credit up to \$47,725.00 of the pro-rata collected to the Church's Year-5 payment.
- c. At this time the 16" water line to the Church is for fire flows only, in area that is within the Blackland CCN. Should the City acquire the right to serve water to this area, the City will utilize the 16" water line for the potable water supply.

Section 3. Nothing contained herein shall be considered as a waiver of the provisions of the City's Comprehensive Zoning Ordinance and subdivision regulations as the case may be.

Section 4. Severability Clause. If any section or provisions of this Agreement or the application of that section or provision to any person, firm, corporation, situation or circumstance is for reason judged invalid, the adjudication shall not affect any other section or provision of this Agreement or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the Agreement without the invalid parts and to this end the provisions of this Agreement shall remain in full force and effect.

Section 5. Venue for this agreement shall be in Rockwall County, Texas.

Section 6. Notice of this Agreement shall be in writing and addressed to the following:

City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
Attn: City Manager

Eastridge Church of Christ
485 North FM-549
Rockwall, Texas 75087

SIGNED ON THE DATE FIRST ABOVE WRITTEN.

CITY OF ROCKWALL

By: [Signature]

City Manager

EASTRIDGE CHURCH of
CHRIST

By: [Signature]

ACKNOWLEDGEMENTS

STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

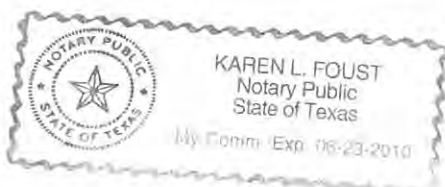
BEFORE ME, the undersigned authority, on this day Personally appeared, Mike Singleton, the an Elder of the Eastridge Church of Christ, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said County,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 3rd **day of** March, 2010.

[Signature]
Notary Public in and for the State of Texas

My Commission Expires:

6-23-2010
(seal)



STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

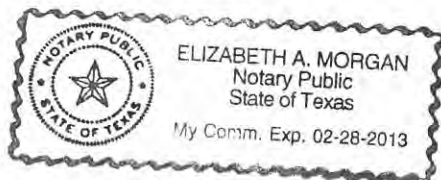
BEFORE ME, the undersigned authority, on this day Personally appeared, Julie Couch, City of Rockwall City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said County,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15 day of December, 2009.

Elizabeth A Morgan
Notary Public in and for the State of Texas

My Commission Expires:

02-28-2013
(seal)



STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL §

FACILITY AGREEMENT

This Agreement is entered into on the 20th day of May, 2004, by and between the City of Rockwall, Texas ("City") and Lakeside Church of Christ ("Church").

WITNESSETH:

Section 1. That in consideration of the construction of the Lakeside Church of Christ Building located in Rockwall, Texas, the parties agree as follows:

Church agrees to the following:

- a. Participate in the construction cost of the 16" water line in FM 549 from the IH 30 Service Road to the northeast property corner of the Church.
- b. The Church will make the following payments:
 1. Initial payment due prior to beginning of the site work -- \$31,253.00.
 2. Annual payments of \$10,000 each due June 1, for years 1 through 3, beginning June 1, 2005.
 3. Year 4 payment of \$16,321.00.
 4. Balance Due Year 5 -- \$97,926.00.
- c. At the conclusion of the five-year period, the balance of the participation due may be revisited by the parties if both agree to do so.
- d. Any pro-rata collected by the City due to development adjacent to the water line, will be credited to the Church's Year-5 balance (\$97,926) up to the maximum amount of reimbursement due to the Church of \$47,725.00.
- e. If the Church should undertake any additional expansion of the facility prior to the end of the five-year payout, the full amount of any remaining participation will be due prior to start of construction of the expansion.
- f. Any future expansion to the Church may cause the need for the Church to construct an additional line down Airport Road for additional fire flows, depending on the type of expansion.

Section 2. The City agrees to the following:

- a. Construct the 16-inch water line up FM 549 from the IH 30 Service Road to the Church's northeast property corner.
- b. Collect pro-rata from developers, of undeveloped land adjacent to the water line, for one-half of the cost of a 12" water line. The City will credit up to \$47,725.00 of the pro-rata collected to the Church's Year-5 payment.

- c. At this time the 16" water line to the Church is for fire flows only, in area that is within the Blackland CCN. Should the City acquire the right to serve water to this area, the City will utilize the 16" water line for the potable water supply.

Section 3. Nothing contained herein shall be considered as a waiver of the provisions of the City's Comprehensive Zoning Ordinance and subdivision regulations as the case may be.

Section 4. Severability Clause. If any section or provisions of this Ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

Section 5. Venue for this agreement shall be in Rockwall County, Texas.

Section 6. Notice of this Agreement shall be in writing and addressed as follows:

To City: City of Rockwall
Attn: City Manager
385 S. Goliad
Rockwall, Texas 75087

To Church: Lakeside Church of Christ
950 William Street
Rockwall, Texas 75087

SIGNED ON THE DATE FIRST ABOVE WRITTEN.

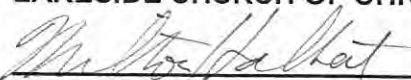
CITY OF ROCKWALL

By:


Julie Couch, City Manager

LAKESIDE CHURCH OF CHRIST

By:


It's Authorized Representative

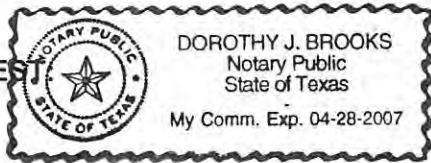
ACKNOWLEDGEMENTS

STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL §

BEFORE ME, the undersigned authority, on this day Personally appeared, Julie Couch, City of Rockwall City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said County,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 20th **day of** May, 2004.

ATTEST:



Dorothy J. Brooks
Notary Public in and for the State of Texas

[SEAL]

STATE OF TEXAS §
COUNTY OF ROCKWALL §
CITY OF ROCKWALL §

BEFORE ME, the undersigned authority, on this day Personally appeared, MILTON HALBERT, the TREASURER of the Lakeside Church of Christ, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Church.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 26 **day of** May, 2004.

ATTEST:



Karen Garner
Notary Public in and for the State of Texas

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: May 14, 2015

SUBJECT: PROPOSED AMENDMENT TO PARK LAND DEDICATION ORDINANCE

Each year the City Council adopts by resolution the per acre price of land and the cost to develop an 11 acre park within each district. The 2015 adopted per acre price is \$34,000 and the equipment fees are currently based on \$525,000. Each residential developer is responsible for their pro rata share of these values within a given district.

Contingent upon approval of the park district map, the Mandatory Park Land Dedication ordinance will need to be codified to reflect the updates to the map. Within Section 1, Sec.38-50 – Definitions of the ordinance, Table 1 is amended with the additional Park Districts, Ultimate Dwelling Unit Holding Capacity and Dwelling Unit Dedication Factor. This table is used to calculate the pro rata share of required acreage to be dedicated per new dwelling unit.

The Ultimate Dwelling Unit Holding Capacity column has been updated based on the most recent adopted Land Use Assumptions. The Dwelling Unit Dedication Factor column is updated by dividing the 11 acres of park area by the new Ultimate Dwelling Unit Holding Capacity for the district in which the units are located. The pro-rata equipment fees are also calculated using the Ultimate Dwelling Unit within each district.

The Parks and Open Space Master Plan is reviewed annually to ensure the plan is current and relevant. The Park Dedication Dwelling Unit table within the Park Land Dedication Ordinance is also reviewed and amended contingent on changes in the Land Use Assumptions.

CITY OF ROCKWALL

ORDINANCE NO. 15-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall has adopted a resolution updating the *Park District Map* and, therefore, codification of the city's *Park Land Dedication* ordinance regulations is necessary in order to reflect said updates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That Section 38-50 through Section 38-61 of Article II, *Parkland Dedication*, of Chapter 38, *Subdivisions*, of the Code of Ordinances, is heretofore amended, be and the same is hereby amended, which shall hereafter read in its entirety as follows:

Sec. 38-50. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Develop (V) means the act of subdividing a parcel or tract of land and installation of community facilities in accordance with and as defined by these subdivision regulations.

Development (N) means a parcel or tract of land proposed for subdivision in accordance with and as defined by these subdivision regulations.

Park Development means the development of a park site by construction of streets, drainage, utilities, and recreational improvements to serve a neighborhood park district.

Pro Rata Share of Required Dedication means the amount of land that shall be dedicated (*or the acreage figure used to calculate cash in lieu of land donation*) as prescribed within this article. The pro rata share of required dedication in a neighborhood park district shall be calculated as follows: pro rata share of required acreage dedication per new dwelling unit is the factor obtained when the 11-acre area of park is divided by the ultimate residential dwelling unit holding capacity for park district in which the unit is located.

Note: The total number of residential units which a neighborhood park district is projected to have when fully developed shall be determined by the *Impact Fee Land Use Assumptions* as

set forth in *Table 1, Park Dedication Acreage Factor per Dwelling Unit*, below.
Table 1: Park Dedication Acreage Factor per Dwelling Unit

Park District	Ultimate Dwelling Unit Holding Capacity	Dwelling Unit Dedication Factor (Acre)
1	457	0.024
2	1,212	0.009
3	1,398	0.008
4	1,295	0.008
5	879	0.013
6	1,227	0.009
7	2,450	0.004
8	1,194	0.009
9	1,822	0.006
10	436	0.025
11	1,110	0.010
12	1,343	0.008
13	989	0.011
14	2,780	0.004
15	1,256	0.009
16	347	0.032
17	2,774	0.004
18	687	0.016
19	1,057	0.010
20	1,174	0.009
21	1,212	0.009
22	1,178	0.009
23	1,775	0.006
24	2,115	0.005
25	490	0.022
26	966	0.011
27	2,079	0.005
28	2,418	0.005
29	2,219	0.005
30	973	0.011
31	994	0.011
32	561	0.020
33	1,875	0.006
34	2,050	0.005
35	3,004	0.004

Recreational Improvements Facilities means the park features set forth for a neighborhood park in the activity menu of the park plan. A uniform cost shall be prepared annually for these features and adopted by resolution by the city council. The dedication factor shall be applied to this cost to determine the pro rata share per new dwelling unit for recreational improvements facilities.

(Code 1982, § 24-42; Ord. No. 87-1, § II, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999; Ord. No. 03-29, § 1, 9-2-2003; Ord. No. 05-04, § 1, 1-18-2005)

Sec. 38-51. Purpose

- (a) This article is adopted to provide recreational areas in the form of neighborhood

parks as a function of subdivision development in the city. This article is enacted in accordance with the home rule powers of the city, granted under the state constitution, in statutes of the state including, but not limited to, V.T.C.A., Local Government Code § 212.001 et seq. It is hereby declared by the city council that recreation areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or rebuilding structures on existing residential property.

- (b) Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities, be a minimum of ten acres, and be within convenient distances for a majority of the residents to be served thereby. Park districts are established by the official park plan for the city and shall be prima facie proof that any park located therein is within such convenient distance from any residence located therein. Primary cost of neighborhood parks shall be borne by the ultimate residential property owners, who, by reason of the proximity of their property to such parks, shall be the primary beneficiary of such facilities. Therefore, the requirements of this article are adopted to affect the purposes stated.

(Code 1982, § 24-41; Ord. No. 87-1, § I, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-52. Impact Fee Land Use Assumptions

The total number of residential units which a neighborhood park district is projected to have when fully developed shall be determined by the impact fee land use assumptions as set forth in Table 1 Park Dedication Acreage Factor per Dwelling Unit which is on file with the City Secretary's office.

(Code 1982, § 24-42; Ord. No. 87-1, § II, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999; Ord. No. 03-29, § 1, 9-2-2003; Ord. No. 05-04, § 1, 1-18-2005)

Sec. 38-53. General Requirements for SF-E, SF-1, SF-16, SF-10, SF-8.4, SF-7, ZL-5, 2-F and MF-14, to be Used for Single-Family, Zero Lot Line, Duplex, and/or Apartment/Multifamily Residential Purposes

- (a) Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the planning and zoning ordinances of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall be equal to or greater than the property being subdivided's pro rata share of neighborhood park property required for the neighborhood park district in which the property being platted or subdivided is located as shown by the park master plan. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this article. The requirement for dedication under this article may be met by a payment of money in lieu of land when permitted or required by the other provisions of this article.
- (b) The city council declares the development of an area smaller than one acre for public park purposes to be impractical. Therefore, if less than one acre is calculated to be the pro rata share of a development plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount provided for by section

38-55(c), rather than dedicate any land area. No plat showing a dedication of less than one acre shall be approved.

- (c) In instances where an area of less than six acres but more than one acre is calculated to be the pro rata share of a development, the city council shall have the option of requiring land dedication or cash in lieu of land in accordance with section 38-55(c) after consideration of the recommendation of the planning and zoning commission and the parks and recreation board. If the city determines that sufficient park area is already in the public domain in the area of the proposed development or the neighborhood park district, or if the recreation potential for that zone would be better served by expanding or improving an existing park, dedication may also be refused and cash in lieu of land may, likewise, be required.
- (d) The dedication required by this article shall be made by filing of the final plat or contemporaneously by separate instrument. If the actual number of completed dwelling units exceeds the figures upon which the original dedication is based, additional dedication shall be required and shall be made by payment in lieu of land amount described by section 38-55(c), or by the conveyance of an entire numbered lot to the city.

(Code 1982, § 24-43; Ord. No. 87-1, § III, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-54. Prior Dedication; Absence of Prior Dedication

At the discretion of the city council, any former gift of land to the city may be credited on a per acre basis toward the eventual land dedication requirements imposed on the donor of such land. The city council shall consider recommendations of the planning and zoning commission and the parks and recreation board in exercising its discretion under this section.

(Code 1982, § 24-44; Ord. No. 87-1, § IV, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-55. Money in Lieu of Land

- (a) Subject to the veto of the city council and the terms of section 38-53, a landowner responsible for dedication under this article may elect to meet the requirements of section 38-53 in whole or in part by a cash payment in lieu of land, in an amount set forth in subsection (c) of this section. Such payment in lieu of land shall be made at or prior to final plat approval.
- (b) The city may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land in a neighborhood park district and said land purchased is used to meet the need for a neighborhood park, subsequent land dedications for that district shall be in cash only and calculated on a pro rata share basis to reimburse the city's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of:
 - (1) The average price per acre of such land; and
 - (2) The actual cost of adjacent streets and site utilities, or an estimate of such actual costs provided by the city engineer and the recreation improvement costs

for facilities as set forth in the park master plan for neighborhood parks.

Once the city has been reimbursed entirely for all park land within a park zone, this section shall cease to apply and the other sections of this article shall be applicable.

- (c) To the extent that subsection (b) of this section is not applicable, the dedication requirements shall be met by a cash payment in lieu of land on the basis of a per acre price. Said per acre price shall be determined annually by the city council and shall be based on current land values within the city. Once established the council shall adopt the value by resolution for appreciation as required in this subsection. Cash payments may be used only for acquisition or improvement of neighborhood parks located within the same neighborhood park district as the development in accordance with the park master plan.

(Code 1982, § 24-45; Ord. No. 87-1, § V, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-56. Dedication of more than the Pro Rata Share of Parkland

- (a) The developer of a residential subdivision which is subject to the terms of this article may dedicate more land than the pro rata share calculated for the development if approved by the city council. If the developer dedicates an amount equal to or greater than the total required parkland area for the neighborhood park district in which his subdivision is located, the city and the developer shall execute a pro rata refunding agreement in accordance with these subdivision regulations which shall recover the cost of land dedicated in excess of the developer's pro rata share after streets, drainage, and utilities are constructed on the dedicated property.
- (b) The developer shall install the streets, drainage, and utilities to serve the neighborhood park, and the cost of same shall be included in the pro rata refunding agreement. The pro rata refunding agreement shall provide that future developers in the same neighborhood park district shall pay their pro rata share of the actual cost of park development which shall be calculated based on the per acre cash in lieu of land cost in effect at the time of dedication, plus the costs of streets, drainage, utilities, and recreational facilities installed to serve the dedicated neighborhood park. The cost of streets, drainage and utilities installed to serve the park shall be certified by the city engineer. In no case shall the developer receive pro rata payments after he has recovered an amount equal to the number of acres actually dedicated in excess of his pro rata share multiplied by the per acre cash in lieu of land figure in effect at the time of actual dedication, plus the costs of streets, drainage, and utilities as certified by the city engineer necessary to serve the neighborhood park. In no case shall the term of any pro rata agreement provided by this article be for a period in excess of five years from the date of dedication.

(Code 1982, § 24-46; Ord. No. 87-1, § VI, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-57. Special Fund Established; Refunds

- (a) There is hereby established a special fund for the deposit of all cash funds in lieu of land dedication under this article, which fund shall be known as the "Park Land Dedication Fund."

- (b) The city shall account for all sums paid in lieu of land dedication under this article referenced to individual plats involved. Any funds paid for such purposes must be expended by the city within eight years from the date received by the city for acquisition and development of a neighborhood park as defined in this article. Such funds shall be considered to be spent on a first/in first/out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such funds, calculated on a square footage basis. The owners of such property must request such refund within one year of entitlement, in writing, or such rights shall be barred.

(Code 1982, § 24-47; Ord. No. 87-1, § VII, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-58. Additional Requirements and Provisions

- (a) Any land dedicated to the city under this article shall be suitable for park and recreation use. The following characteristics of a proposed area are generally unsuitable:
- (1) Any area located in the 100-year floodplain;
 - (2) Any area of unusual topography or slope which renders same unusable for organized recreational activities.

The characteristics of the parkland dedication area mentioned in this subsection may be grounds for refusal of a plat.

- (b) Each park must have ready access to a public street.
- (c) Unless provided otherwise in this article, action by the city shall be by the city council after consideration of the recommendations of the planning and zoning commission and the parks and recreation board. Any proposal considered by the planning and zoning commission under this article shall have been reviewed by the parks and recreation board and its recommendation given to the commission. The commission may make a decision contrary to such recommendation only by a vote of at least five members. Should the commission be unable to get this vote, the matter shall then be referred to the city council for final decision.
- (d) If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Code 1982, § 24-48; Ord. No. 87-1, § VIII, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-59. - Review and Updating Park Master Plan

The city parks and recreation department shall consider the need to update the park master plan at least annually to ensure that the plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of neighborhood park services for each neighborhood park district.

(Code 1982, § 24-49; Ord. No. 87-1, § XI, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-60. Waiver of Mandatory Neighborhood Parkland Dedication in the Case of Private Developments

- (a) If a development is proposed to be a private development where no public streets are dedicated for use by the public, the city shall:
- (1) Calculate the pro rata share of the proposed private development as if it were to be a development where public streets were to be dedicated.
 - (2) Waive the requirement for mandatory dedication if the private amenities of the proposed development meet or exceed the calculated pro rata share as calculated under subsection (a)(1) of this section.
 - (3) Decrease the total acreage shown in the park master plan as being required to meet the ultimate need for neighborhood parks in the applicable neighborhood park district by the acreage calculated under subsection (1) of this section (for the purpose of future calculations of pro rata shares for future developments).
- (b) In a private development within a park district or a private development encompassing an entire park district, the park property within the private development must be easily accessible to the general public either through the use of the city trail system or public roadways. If the private development encompasses the entire park district and the ten acres of parkland is not continuous, each separate section of park property must be accessible to the general public and connected by way of a minimum eight-foot-wide trail.

(Code 1982, § 24-50; Ord. No. 87-1, § IX, 1-5-1987; Ord. No. 99-20, § 1, 6-7-1999)

Sec. 38-61. Waiver of Article Requirements by City Council

The city council may waive the requirements of this article upon a finding by the city council that said waiver is clearly in the best interest of the city.

(Code 1982, § 24-51; Ord. No. 87-13, § I, 3-16-1987; Ord. No. 99-20, § 1, 6-7-1999)

Section 2. That any person, firm or corporation who violates any provision of this ordinance or who fails to obtain a special event permit shall be deemed guilty of a misdemeanor and upon conviction thereof, in the Municipal Court of Rockwall, TX, shall be subject to a fine in accordance with the general provisions of the Code of Ordinances;

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict;

Section 4. That the Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance;

Section 5. That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable;

Section 6. That it is hereby found and determined that the meeting at which this ordinance was passes was open to the public as required by *Section 551.001 et seq., Texas Government Code*, and that advance public notice of the time, place and purpose of said meeting was given;

Section 7. That this Ordinance shall take effect immediately upon its second reading and newspaper publication as required by the *City Charter, Section 3.11*;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF JUNE, 2015.**

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: 05-18-15

2nd Reading: 06-01-15

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CITY OF ROCKWALL

CITY COUNCIL MEMO

AGENDA DATE: 05/18/2015

APPLICANT: Cole Franklin, *Skorburg Company*

AGENDA ITEM: **Z2015-014**; *Gideon Tract (AG to PD)*

SUMMARY:

Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of the owner Lonnie Gideon Estate for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

PURPOSE:

On April 17, 2015, the applicant submitted an application requesting to rezone a 29.192-acre tract of land from an Agricultural (AG) District to a Planned Development District for a single-family, residential subdivision that will consist of 72 single-family lots, an amenities center and open space areas. The property, which was annexed into the City on March 16, 1998 by *Ordinance No. 98-10*, is located at the northeast corner of E. Quail Run Road and John King Boulevard and is currently vacant agricultural land.

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is the City's corporate boundaries followed by a single family, residential development that is situated within Rockwall County.

South: Directly south of the subject property is John King Boulevard, which is designated as a P6D (*principal, six [6] lane, divided roadway*), and a portion of E. Quail Run Road, which is designated as a M4U (*minor, four [4] lane, undivided roadway*) according to the City's Master Thoroughfare Plan. Beyond these roadways are the remaining tracts of land that are part of a larger 62.192-acre tract of land that incorporates the subject property. All the properties are vacant agricultural land that are zoned Agricultural (AG) District.

East: Directly east of the subject property are several single-family homes situated on estate lots, and zoned Agricultural (AG) District. Beyond these properties is a vacant 76.577-acre tract of land, zoned Agricultural (AG) District, and owned by the Rockwall Independent School District (RISD) [*identified as Tract 14-11 of the J. M. Gass Survey, Abstract No. 88*].

West: Directly west of the subject property is a vacant 45.318-acre tract of land zoned Agricultural (AG) District. Beyond this tract of land is John King Boulevard.

CHARACTERISTICS OF THE REQUEST:

Along with the application, the applicant has submitted a concept plan and development standards for the proposed residential subdivision. The concept plan shows the layout of the subdivision, which will have access drives on John King Boulevard and E. Quail Run Road. The development will consist of 45, 80' x 125' lots (*eight [8] of which will have a depth of 150-feet*) and 27, 100' x 150' lots, and have a gross residential density of 2.46 units/acre. The subdivision will incorporate 2.79-acres of open space (~9.56%) that will be adjacent to John King Boulevard and E. Quail Run Road, and provide a buffer between the houses and the adjacent thoroughfares. An amenities center will be provided to service the 72-lot subdivision. A summary of the proposed development standards is as follows:

<i>Lot Type ►</i>	<i>A</i>	<i>B</i>
<i>Minimum Lot Width/Frontage</i>	80'	100'
<i>Minimum Lot Depth</i>	125'	150'
<i>Minimum Lot Area</i>	10,000 SF	15,000 SF
<i>Minimum Front Yard Setback</i>	20'	20'
<i>Minimum Side Yard Setback</i>	5'	7'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i>	10'	10'
<i>Minimum Length of Driveway Pavement</i>	20'	20'
<i>Maximum Height</i>	36'	36'
<i>Minimum Rear Yard Setback</i>	15'	15'
<i>Minimum Area/Dwelling Unit (SF)</i>	2,600 SF	3,000 SF
<i>Maximum Lot Coverage</i>	65%	70%

Additionally, the applicant has agreed to incorporate the same anti-monotony standards that were incorporated in Planned Development District 70 (PD-70) [*i.e. the Stone Creek subdivision*] and Planned Development District 74 (PD-74) [*i.e. the Breezy Hill subdivision*]. *Copies of the proposed PD Concept Plan and PD Development Standards have been provided in the attached packet for the City Council and Planning & Zoning Commission's review.*

CONFORMANCE WITH THE COMPREHENSIVE PLAN AND UDC:

The Future Land Use Map, contained within the Comprehensive Plan, designates the subject property for *Low Density Residential* land uses. According to the Comprehensive Plan, "(l)ow density residential is defined as less than two (2) units per acre; however, a density up to two and one-half (2.5) units per gross acre may be allowed within a residential Planned Development District that includes the dedication and/or development of additional amenities exceeding the minimum standards for residential Planned Developments." The additional amenities are described as: 1) Parks and Open Space, 2) Golf Course, 3) Neighborhood Amenity/Recreation Center, 4) Integration of Schools into the Community Fabric, 5) Development of Trails and Parks in Floodplains, and 6) Development of Municipal Parks and Recreation Facilities. Additionally, the Planned Development District standards contained within the Unified Development Code (UDC) require a minimum of 20% of the gross land area be dedicated to open space.

In this case, the concept plan shows a total of 2.79-acres of open space (~9.56%), which represents roughly half the compulsory amount required for this development. Staff has calculated that the applicant would need an additional 3.05-acres of open space to be in compliance with the Planned Development requirements. This would equate to a reduction of approximately 13, 80' x 125' lots. The plan does indicate that the development will incorporate an amenities center that could satisfy the additional amenity requirement, and justify the disparity in the open space; however, the requested gross residential density is 2.46 units/acre,

and any additional density over two (2) units per acre is a discretionary decision for the City Council based on the amenities provided by the proposed development. It should also be noted that the applicant has agreed to include a ten (10) foot sidewalk along John King Boulevard per the recommendations of the *John King Boulevard Design Concept Plan* contained within the Comprehensive Plan. This has been included in the proposed Planned Development District ordinance.

If the City Council chooses to grant the applicant's request, no changes to the Future Land Use Map would be required because the proposed density is in conformance with the range designated for the *Low Density Residential* designation (*i.e. 2-2.5 units/acre*).

NOTIFICATION:

On April 24, 2015, staff mailed 19 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Stoney Hollow and Dalton Ranch Homeowner's Associations (HOA's), which are the only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign at the corner of John King Boulevard and E. Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted no responses were received by staff.

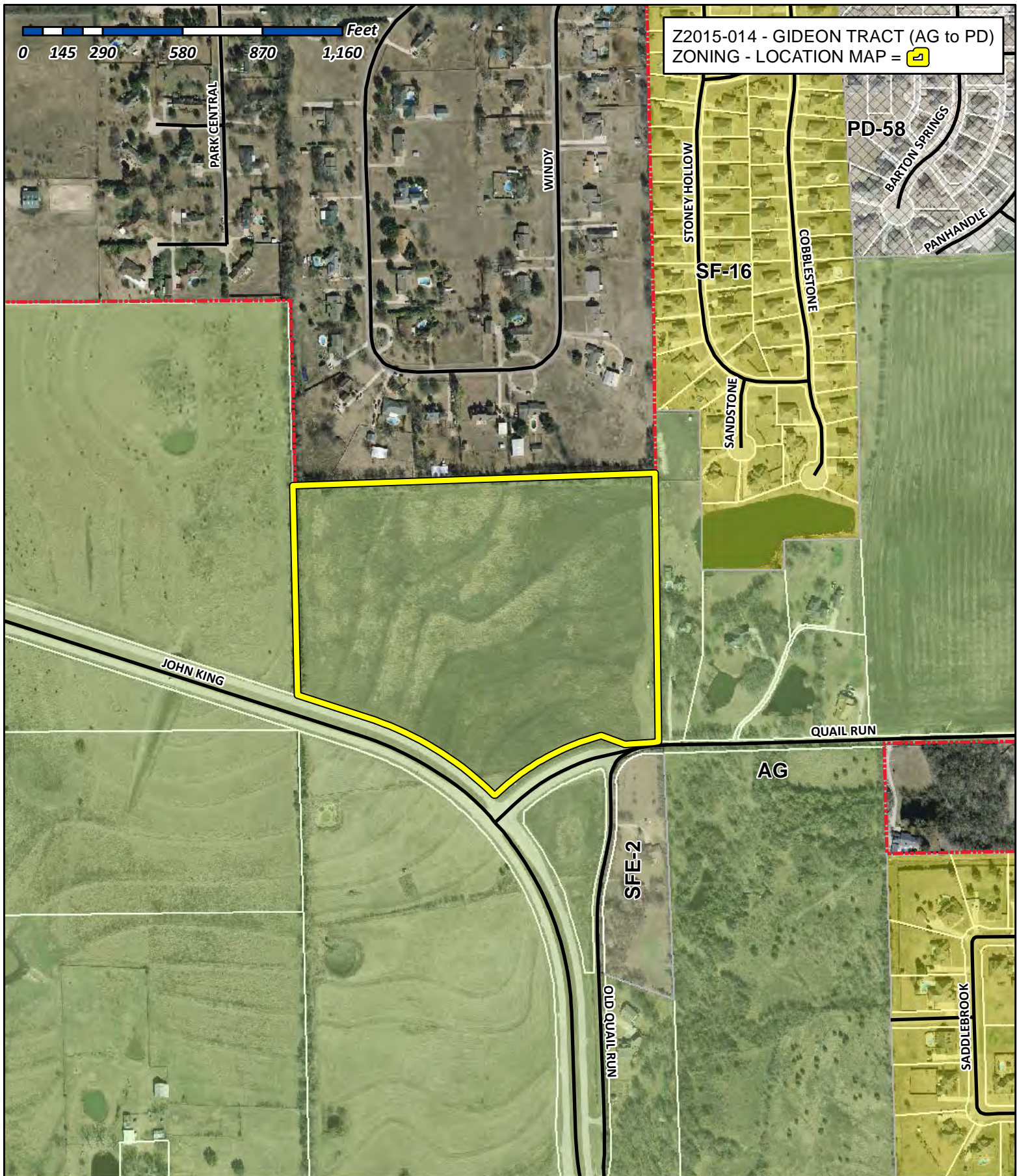
RECOMMENDATIONS:

If the Planning and Zoning Commission chooses to recommend approval of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District, then staff would propose the following conditions of approval:

- 1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *Planned Development District* ordinance; and,
- 2) Any construction resulting from the approval of this *zoning amendment* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION:

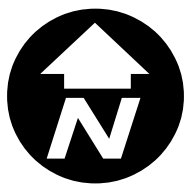
On May 12, 2015, the Planning and Zoning Commission approved a motion to recommend approval of the proposed zoning change by a vote of 5-0, with Commissioners Lyons and Conley absent.



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

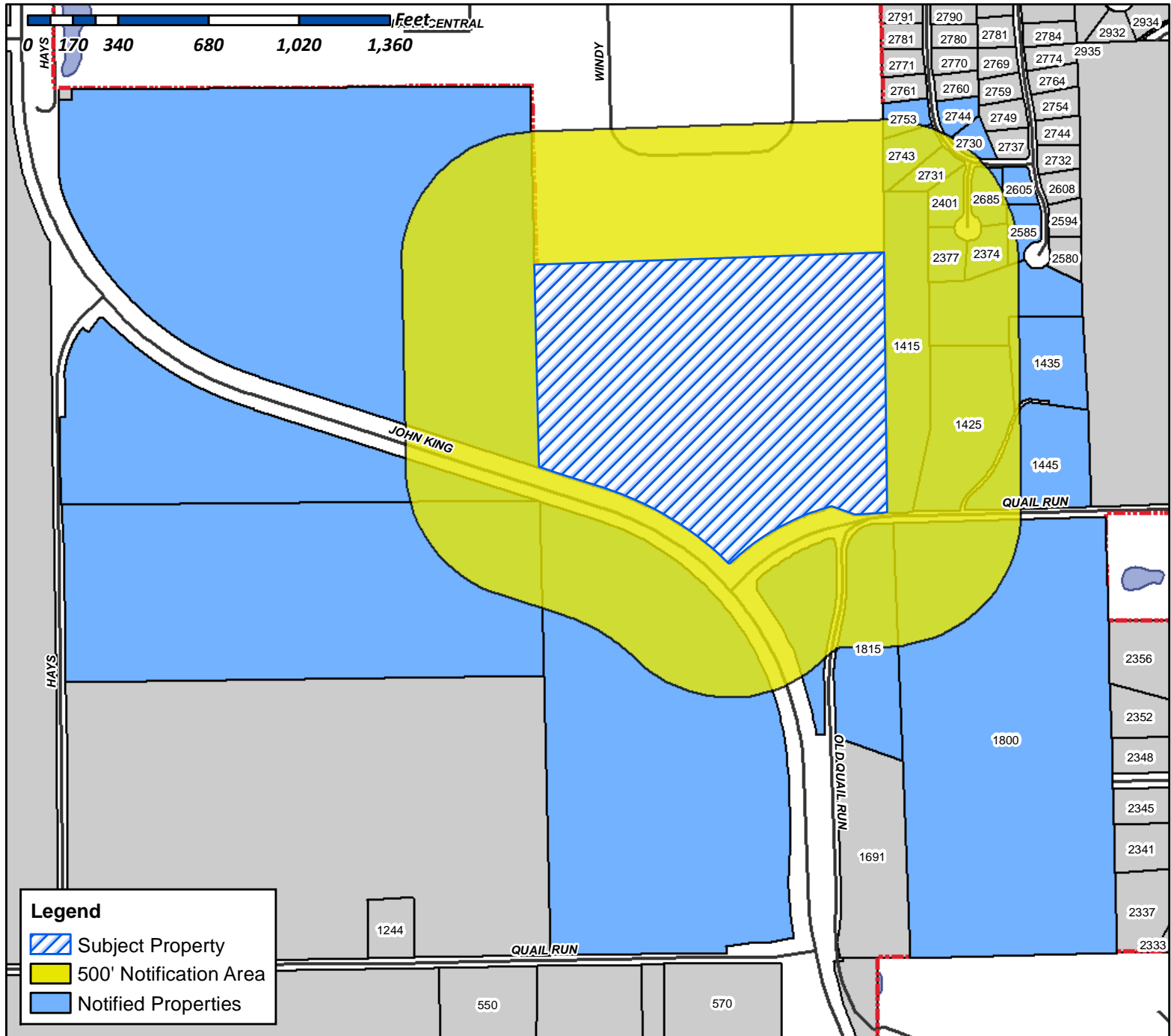
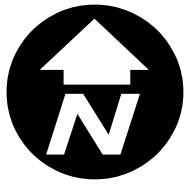




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

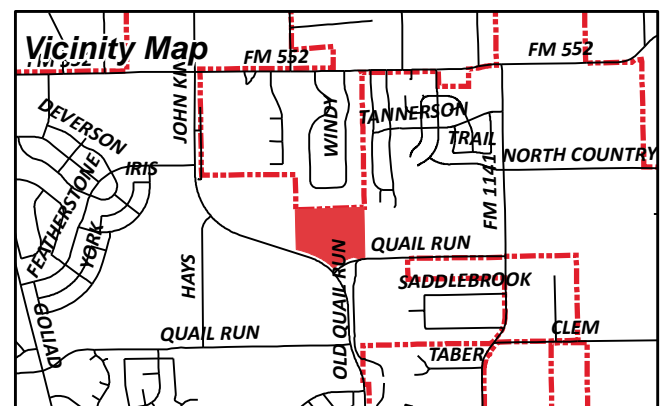
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Case Number: Z2015-014
Case Name: Gideon Tract (AG to PD)
Case Type: Planned Development
Zoning: PD
Case Address: North of John King Blvd & E Quail Run Intersection

Date Created: 4/23/2015

For Questions on this Case Call (972) 771-7745



R & R HANCE INVESTMENTS LP
1244 E QUAIL RUN RD
ROCKWALL, TX 75087

KOUVELIS HILDA & PETER
1415 E QUAIL RUN RD
ROCKWALL, TX 75087

LARRIVIERE MICHAEL R & LISA J
1425 E QUAIL RUN RD
ROCKWALL, TX 75087

TULLY DOYL C & VONETTE S
1435 E QUAIL RUN RD
ROCKWALL, TX 75087

NALLEY MICHAEL R & LORI D
1445 E QUAIL RUN RD
ROCKWALL, TX 75087

GIDEON LONNIE L TR
1800 QUAIL RUN RD
ROCKWALL, TX 75087

UTLEY HERMAN D
1815 E QUAIL RUN RD
ROCKWALL, TX 75087

FINCH PATRICIA A
2374 SANDSTONE
ROCKWALL, TX 75087

MARKARIAN MASIS A & CLAUDIA
2377 SANDSTONE
ROCKWALL, TX 75087

LANGLEY RICHARD E
2401 SANDSTONE
ROCKWALL, TX 75087

STONEY HOLLOW OWNERS ASSOC
2500 LEGACY DR O
FRISCO, TX 75034

VAN BRUNT RICHARD JOSEPH SR
2585 COBBLESTONE DR
ROCKWALL, TX 75087

NEWBAUER AARON AND
2605 COBBLESTONE DRIVE
ROCKWALL, TX 75087

SIVINSKI JOSEPH & LUANNE
2685 STONEY HOLLOW LANE
ROCKWALL, TX 75087

TRENT GERALDINE
2730 STONEY HOLLOW LN
ROCKWALL, TX 75087

GREEN LINDA LAMINACK & TOMMY FAGAN
2731 STONEY HOLLOW LANE
ROCKWALL, TX 75087

COBB RICHARD B & DEANNA C
2743 STONEY HOLLOW LN
ROCKWALL, TX 75087

JENNINGS CODY D
2744 STONEY HOLLOW LANE
ROCKWALL, TX 75087

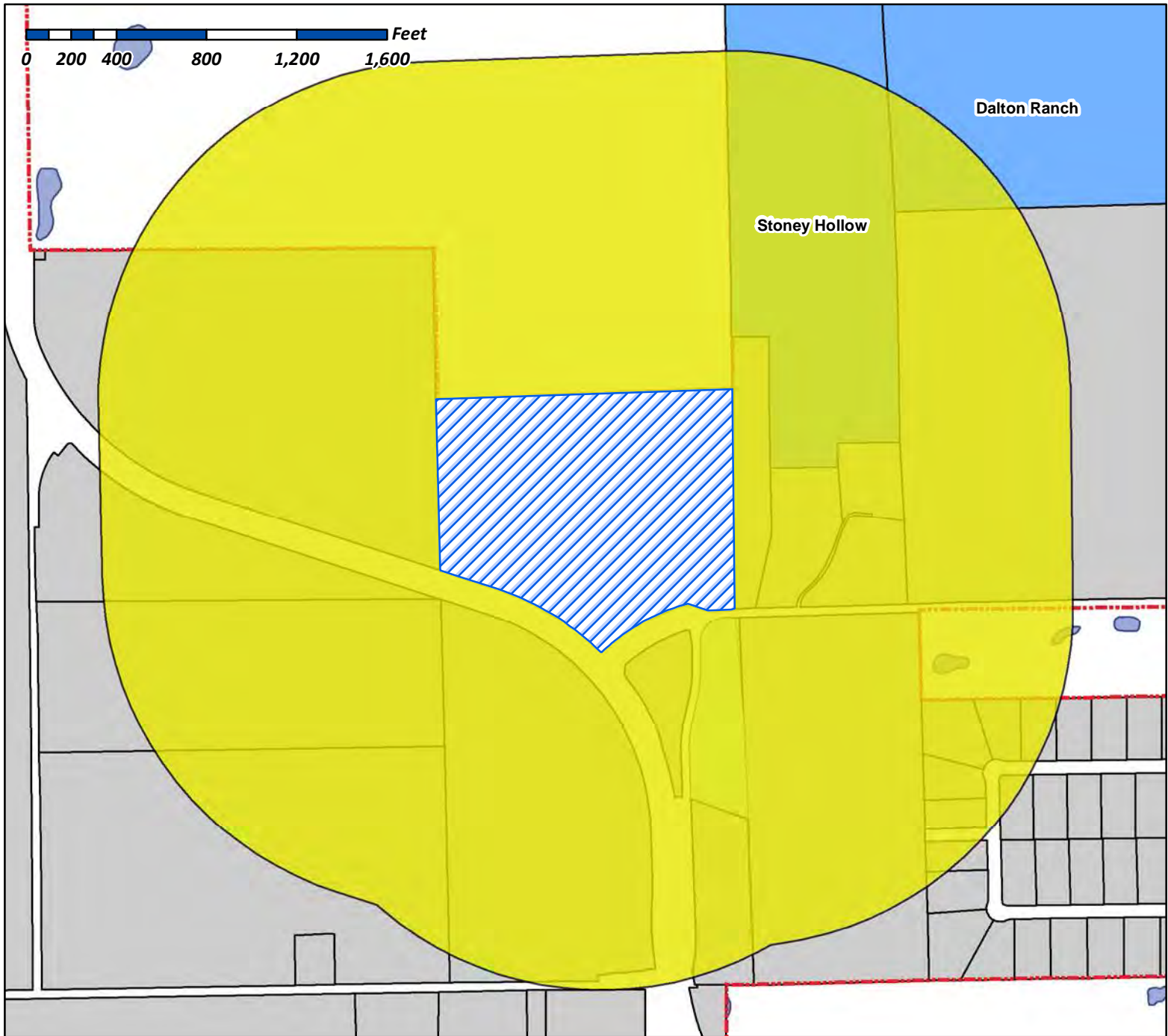
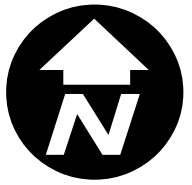
HATCHER TYRUS NEAPOLIS & ANTONIETA P
2753 STONEY HOLLOW LN
ROCKWALL, TX 75087



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
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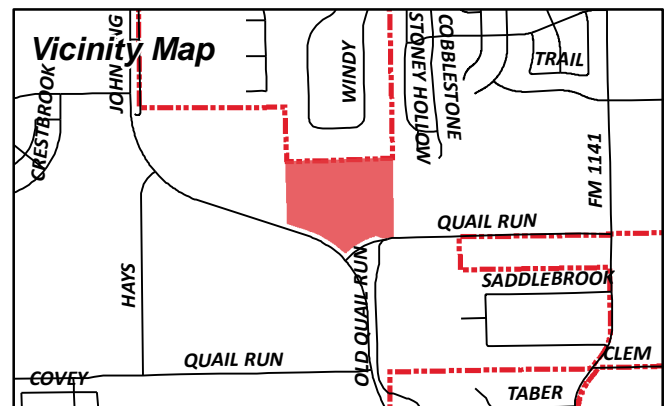
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2015-014
Case Name: Gideon Tract
Case Type: Rezoning
Zoning: PD
Case Address: North of John King Blvd &
E Quail Run Intersection

Date Created: 4/29/2015

For Questions on this Case Call (972) 771-7745



Miller, Ryan

From: Morales, Laura
Sent: Thursday, April 30, 2015 4:36 PM
To: [REDACTED]
Subject: Neighborhood Notification Program: Notice of zoning request
Attachments: HOA Notification Map (04.30.2015).pdf

To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that was also published in the Rockwall Herald Banner on May 1, 2015. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below. Additional information can also be found at <http://www.rockwall.com/planning/planningDevCases.asp>.

Z2015-014-Hold a public hearing to discuss and consider a request by Cole Franklin of the Skoburg Company on behalf of the owner Lonnie Gideon Estate for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at <http://www.rockwall.com/planning/hoa.asp>.

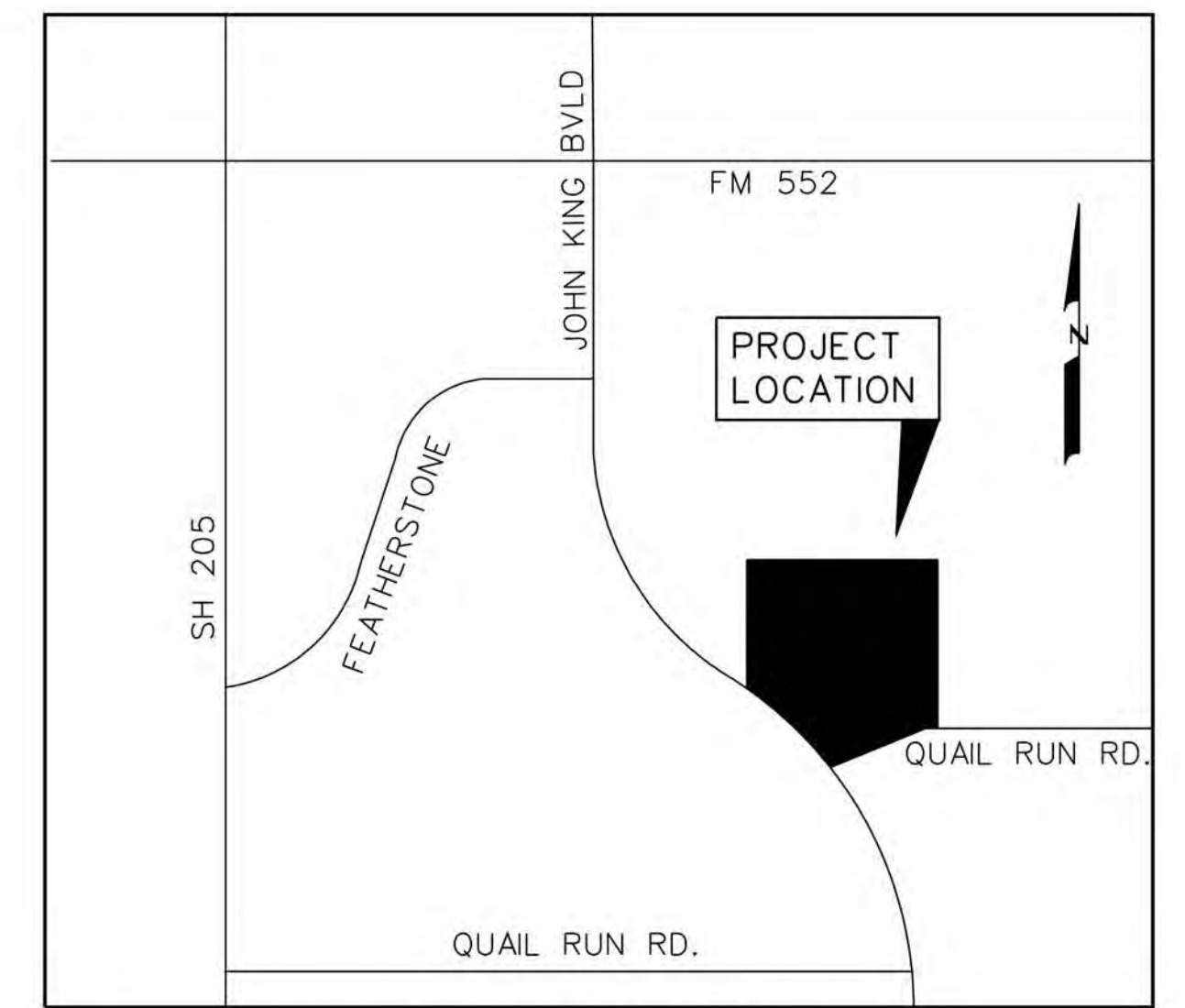
Sincerely,

Planning Staff

City of Rockwall

Planning & Zoning Department
972.771.7745
planning@rockwall.com

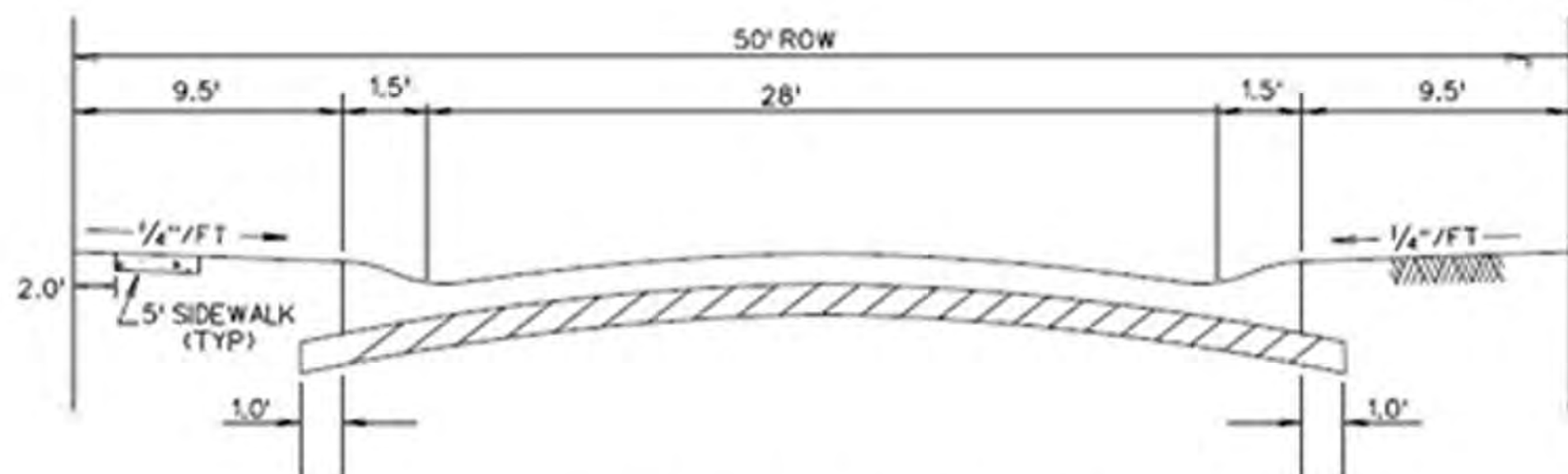
32.5 ACRE TRACT
HANCE INVESTMENTS, LP
CLERKS FILE NO. 2008-00396963



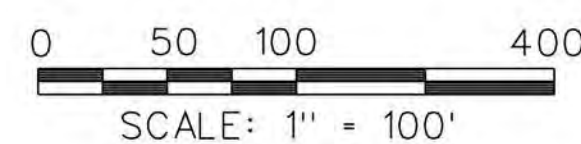
LOCATION MAP
N.T.S.

LEGEND

- 80' X 125' - 37 LOTS
- 80' X 150' - 8 LOTS
- 100' X 150' - 27 LOTS
- OPEN SPACE - 2.68 ACRES
- 10' HIKE & BIKE TRAIL



TYPICAL PAVEMENT SECTION - LAYDOWN CURB
N.T.S.



TOTAL OPEN SPACE 2.68 AC.

TOTAL ACRES 29.192

TOTAL RESIDENTIAL LOTS 72

RESIDENTIAL DENSITY 2.46

CITY OF ROCKWALL

ORDINANCE NO. 15-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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.

WHEREAS, the City has received a request by the Cole Franklin of the Skorburg Company on behalf of the owner of the property, Lonnie Gideon, for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 2. That development of the *Subject Property* shall generally be in accordance with the *Planned Development Concept Plan*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *Development Standards*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. That a master parks and open space plan for the Property, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan, (Open Space Master Plan)* shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

Section 5. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (*including Subsections 5(b) through 5(e) below*), shall be the exclusive procedures applicable to the subdivision and platting of the Property.
- (b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Open Space Master Plan
 - (2) Master Plat
 - (3) PD Site Plan
 - (4) Preliminary Plat
 - (5) Final Plat
- (c) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Preliminary Plat Application* for the development.
- (d) *Preliminary Plat.* A *Preliminary Plat* covering all of the *Subject Property* shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (e) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* shall be submitted for approval.

Section 7. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development*

Code), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF JUNE, 2015.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 18, 2015

2nd Reading: June 1, 2015

Exhibit 'A':
Legal Description

BEING a 29.192-acre tract out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas being part of the following described 80-acre tract of land:

80-acres of land, more or less, out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of said S. R. Barnes Survey;

THENCE North 940 varas to a point for the Northwest corner of this tract;

THENCE East 475 varas to a point for the Northeast corner of this tract;

THENCE South 940 varas to a point for the Southeast corner of this tract;

THENCE West 475 varas to the PLACE OF BEGINNING

and being the same land's described as Tract 1 in a deed dated March 11, 1940, from M. M. McCurry, et ux, et al, to Joe W. Gideon et ux, Katherine Gideon, and recorded in Volume 35, Page 591, Deed Records of Rockwall County, Texas,

SAVE AND EXCEPT FROM SAID 80-ACRES THE FOLLOWING FOUR TRACTS OF LAND:

SAVE and EXCEPT TRACT 1:

1.5034435-acres of land, more or less, out of the S. R. Barnes Survey, Abstract No. 13, Rockwall County, Texas, and more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the middle of a public road on the East boundary line of the afore described 80-acre tract, said point being 346 varas South of the Northeast corner of said 80-acre tract and being the Northeast corner of this 1.5034435-acre tract;

THENCE West along the middle of a public road 63.699 varas to a point in the middle of the intersection of two public roads for the Northwest corner of this 1.5034435-acre tract;

THENCE South along the middle of a public road 133.093 varas to a point for the Southwest corner of this 1.5034435-acre tract;

THENCE East 63.699 varas to a point on the East boundary line of the aforescribed 80-acre tract for the Southeast corner of this 1.5034435-acre tract;

THENCE North 133.093 varas along the East boundary line of the aforescribed 80-acre tract to the place of beginning.

SAVE and EXCEPT TRACT 2:

7.170-acres conveyed in a Warranty Deed from Lonnie L. Gideon, a single person, both Individually and as Trustee of the Bradley Joe Gideon Trust, to Donald R. Taylor, dated May 5, 1994, filed May 11, 1994, recorded in Volume 902, Page 141, Deed Records, Rockwall County, Texas.

SAVE and EXCEPT TRACT 3:

2.172-acres conveyed in a Warranty Deed from Lonnie Leo Gideon, Individually and as Independent Executor of the Estate of Joe Wilson Gideon, Deceased, and as Trustee of the Bradley Joe Gideon Trust, to James T. Bradley and wife, Brenda J. Bradley, dated May 31, 1994, filed June 2, 1994, recorded in Volume 908, Page 10, Deed Records, Rockwall County, Texas.

SAVE and EXCEPT TRACT 4:

8.466-acres vested in the City of Rockwall, Texas pursuant to Agreed Judgment of Court Granting Right-of-Way and Easement under Cause No. 1-07-552, District Court, Rockwall County, certified copy filed October 30, 2009, recorded in Volume 5951, Page 84, Official Public Records, Rockwall County, Texas.

Exhibit 'B':
Concept Plan

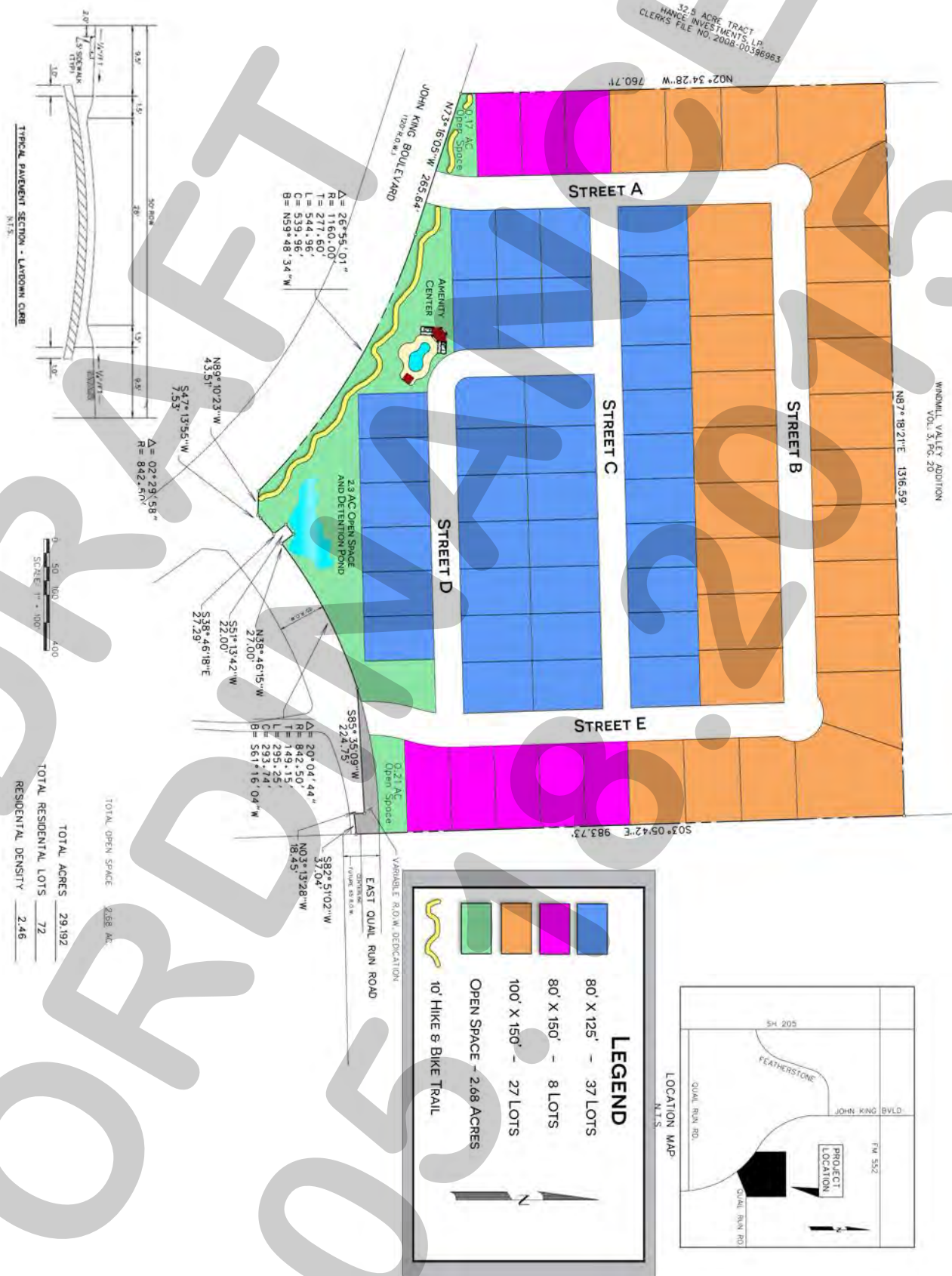


Exhibit 'C':
PD Development Standards

A. GENERAL REQUIREMENTS

Development Standards.

1. **Permitted Uses.** Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*.
2. **Lot Composition and Layout.** The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	80' x 125'	10,000 SF	45	62.50%
B	100' x 150'	15,000 SF	27	37.50%
Average Lot Size:		10,000 SF		
		Maximum Permitted Units:	72	100.00%

3. **Density and Dimensional Requirements.** Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the Single Family 10 (SF-10) District, as specified by Article V, *District Development Standards*, of the Unified Development Code are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 2.50 dwelling units per gross acre of land; however, in no case should the proposed development exceed 72 units. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Table 2: Lot Dimensional Requirements

Lot Type (see Concept Plan) ►	A	B
Minimum Lot Width/Frontage ⁽¹⁾	80'	100'
Minimum Lot Depth	125'	150'
Minimum Lot Area	10,000 SF	15,000 SF
Minimum Front Yard Setback ⁽³⁾	20'	20'
Minimum Side Yard Setback	5'	7'
Minimum Side Yard Setback (Adjacent to a Street)	10'	10'
Minimum Length of Driveway Pavement	20'	20'
Maximum Height	36'	36'
Minimum Rear Yard Setback	15'	15'
Minimum Area/Dwelling Unit (SF) ⁽²⁾	2,600 SF	3,000 SF
Maximum Lot Coverage	65%	70%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced by 20% as measured at the front property line provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10%, but shall meet the minimum lot size for each lot type as referenced within *Table 1*.
- ²: A maximum of 20% of the lots may have homes not less than 2,500 SF.
- ³: The Director of Planning or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

4. **Building Standards.** All development shall adhere to the following building standards:

(a) **Masonry Requirement.** The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance the masonry requirement

Exhibit 'C':
PD Development Standards

shall be limited to full width brick, natural stone, cast stone, cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and, stucco (i.e. *three [3] part stucco* or a comparable -- to be determined by staff).

(b) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

(c) *Garage Orientation.* Garages shall oriented in a *traditional swing* (or *j-swing*) or in a front entry configuration. If a front entry garage configuration is utilized that garage shall be located at least 20-feet behind the front building façade. On *traditional swing* (or *j-swing*) garages a second single garage door facing the street is permitted if it is located behind the width of the double garage door.

5. *Anti-Monotony Restrictions.* The development shall adhere to the *Anti-Monotony Matrix* depicted in *Table 3* below (for spacing requirements see the illustration below).

Table 3 : Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	80' x 125'	(1), (2), (3)
B	100' x 150'	(1), (2), (3)

(1) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.

(2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or on John King Boulevard shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following two (2) items deviate:

- (a) Number of Stories
- (b) Permitted Encroachment Type and Layout
- (c) Roof Type and Layout
- (d) Articulation of the Front Façade

(3) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

See the Illustrations on the following page.

Exhibit 'C':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



6. **Fencing Standards.** All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
- (a) **Wood Fences.** All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of six (6) feet in height.
 - (b) **Wrought Iron/Tubular Steel.** Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height.
 - (c) **Corner Lots.** Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of six (6) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
 - (d) **Solid Fences (including Wood Fences).** All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

Exhibit 'C':
PD Development Standards

7. Landscape and Hardscape Standards.

- (1) **Landscape.** Landscaping shall be reviewed and approved with the PD Site Plan. All *Canopy/Shade Trees* planted within this development, unless specifically provided by this PD Ordinance, shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. The following tree species are approved for planting within this subdivision:
 - (a) *Canopy/Shade Trees.* Bald Cypress, Cedar Elm, Texas Red Oak, Homestead Elm, Lace Bark Elm, Alle Elm, Chinese Pistachio, Shumard Oak, Sycamore, and Burr Oak.
 - (b) *Accent/Ornamental/Under-Story Trees.* Texas Redbud, Eve's Necklace, Mexican Plum, Downy Hawthorn, Crepe Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow.
- (2) **Landscape Buffers.** All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (a) *Landscape Buffer and Sidewalks (John King Boulevard).* A minimum of a 50-foot landscape buffer shall be provided along the frontage of John King Boulevard (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a ten (10) foot sidewalk situated within the 50-foot landscape buffer adjacent to John King Boulevard.
 - (b) *Landscape Buffer (Quail Run Road).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Quail Run Road (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, at least one (1), three (3) inch canopy tree shall be planted per 50-feet of linear frontage.
- (3) **Streetscape Landscaping.** Prior to the issuance of a Certificate of Occupancy (CO), all residential, single family lots situated within the proposed subdivision shall be landscaped with canopy trees from the list stipulated by *Section 7(1)* of this ordinance in the following sizes and proportions:
 - (i) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of an interior lot.
 - (ii) Two (2), three (3) inch trees measured six (6) inches above the root ball shall be planted in the front yard of a corner lot and two (2), three (3) inch caliper trees shall be planted in the side yard facing the street.

Exhibit 'C':
PD Development Standards

Note: For the purposes of this section only [i.e. Section 7(3)], the term "front yard" includes the area within the dedicated right-of-way for a parkway immediately adjoining the front yard of the lot.

- (4) *Irrigation Requirements.* Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association.
- (5) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
8. *Street.* All streets (*excluding drives, fire lanes and private parking areas*) shall be built according to City street standards.
9. *Lighting.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
10. *Sidewalks.* At a minimum, all sidewalks located on lay down curb section streets shall begin four (4) feet behind the back of curb and be five (5) feet in overall width.
11. *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*i.e. 3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*, except along John King Boulevard. The *Developer* shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered *existing lines* at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
12. *Open Space.* The development shall consist of a minimum of 9.56% open space (*or 2.79-acres*), and generally conform to the *Open Space Plan* contained in *Exhibit 'B'* of this ordinance. All open space areas shall be maintained by the Homeowner's Association (HOA).
13. *Neighborhood Signage.* Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision and shall generally conform to the signage depicted in *Figures 1 & 2 (below)*. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.

See the Illustrations on the following page.

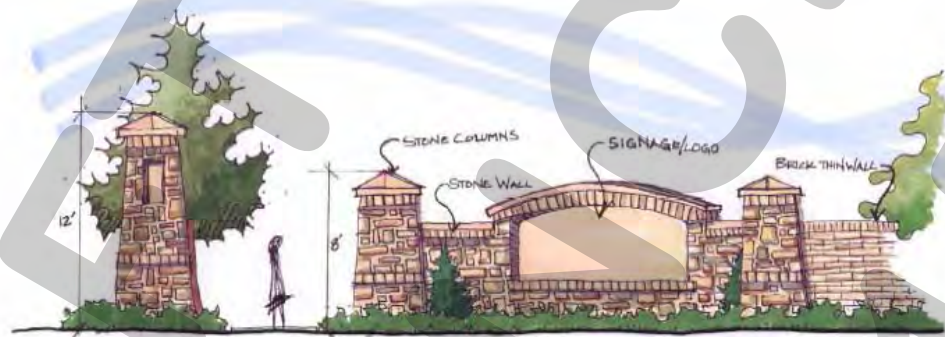
Exhibit 'C':
PD Development Standards

Figure 2: Example of Subdivision Signage Locations



Figure 3: Example of Subdivision Signage Design Standard

Exhibit 'C':
PD Development Standards



14. **Amenity Center.** A site plan, landscape plan and building elevations for the Amenity Center shall be subject to site plan approval by the Planning and Zoning Commission prior to construction.
15. **Homeowner's Association (HOA).** A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the *Municipal Code of Ordinances* of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.
16. **Variances.** The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

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CITY OF ROCKWALL

CITY COUNCIL MEMO

AGENDA DATE: 05/18/2015

APPLICANT: Bradley G. Bischof

AGENDA ITEM: P2015-015 (Harbor Landing Phase 2)

SUMMARY:

Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.

COMMENTS:

- The objective of this request is to combine two residential parcels (Lots 21 & 22) of the Harbor Landing Phase 2 Addition into one larger 20,000 sq. ft. residential parcel (Lot 26). It should be noted that in 1987 the City of Rockwall entered into a settlement agreement with the plaintiffs in regards to a dispute concerning the height restrictions established in Planned Development No. 8 (PD-8) District for certain lots identified to be in Blocks B and C of the Harbor Landing Phase 2 Addition. Lots 21 and 22 are located in Block C and meet this criterion. The court order establishes “maximums” for roof top elevations, pad elevations, and house height for each lot and is referenced as “Exhibit C” in your packet.

Since a home has been built on Lot 21, it is the City’s recommendation that the property owner adhere to the courts order in perpetuity for the more restrictive maximums established for the roof top elevations, pad elevations, and house height on what is designated and currently known as Lot 22.

- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions below.
- With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

NOTIFICATION:

Staff mailed thirty-nine (39) notices to property owners within 200 feet of the subject property and a notice of Public Hearing was published in the Rockwall Herald-Banner as required by law. At the time this report was drafted, staff has received one (1) notice “For” the residential replat requested.

RECOMMENDATIONS:

If the Planning & Zoning Commission and City Council choose to approve the residential replat request, staff would recommend the following conditions of approval:

A) All the technical comments from the Engineering and Fire Departments shall be addressed prior to the filing of this plat, including adherence to the following Planning Department comments;

1. Adherence to Engineering and Fire Department standards.

2. Adherence to the court's order and in association with the proposed properties for the more "restrictive" maximums in regards to roof top elevations, pad elevations, and house height as established for Lots 21 & 22, Block C of the Harbor Landing Phase 2 Addition attached hereto and labeled as "Exhibit C".

3. Verify curve data (C1 - C4) to final plat.

4. Indicate outer extremes of Utility Easement along the rear of the property. Final plat indicates 15-ft Utility Easement.

5. Provide label indicating "Case No. P2015-015" – to be located at the lower right hand corner of each page.

B) Any construction resulting from the approval of this final plat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission Recommendation:

On May 12, 2015, the Planning and Zoning Commission recommended approval of the residential replat with staff conditions by a vote of 5 to 0 [Conley & Lyons – absent].

0 12.5 25 50 75 100 Feet

P2015-015 - 320 PORTVIEW PLACE
REPLAT - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

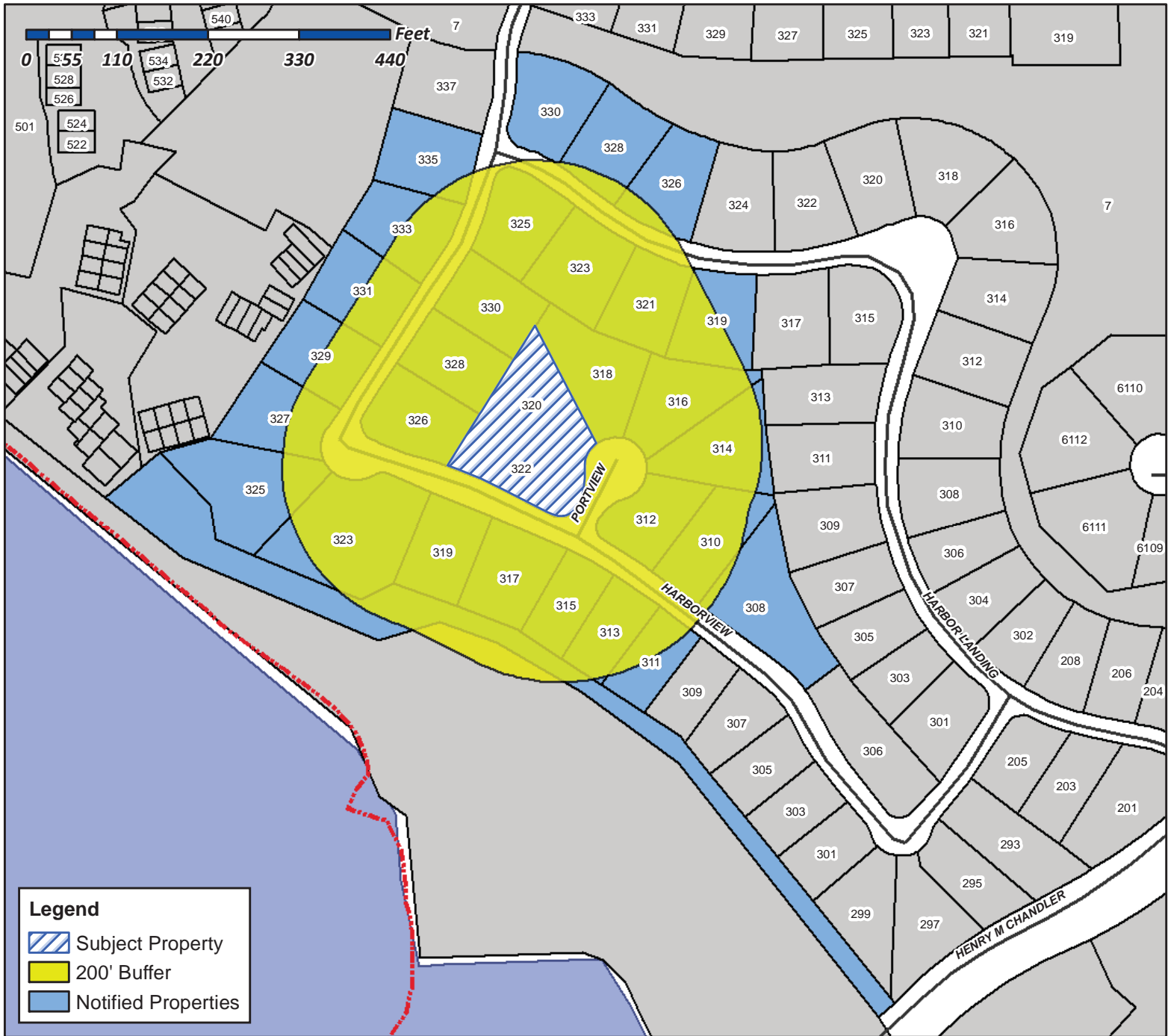




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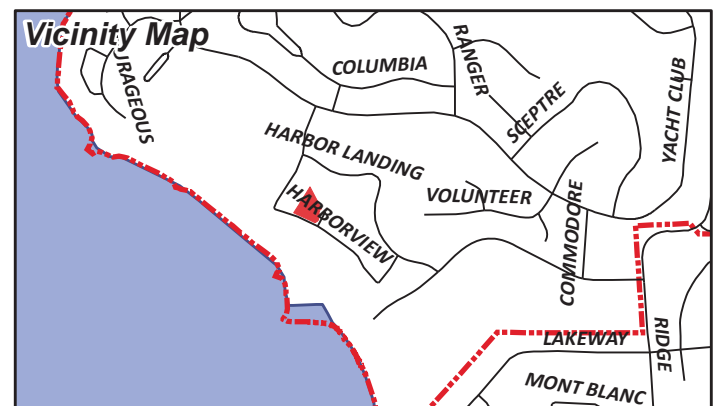
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Case Number: P2015-015
Case Name: 320 PORTVIEW PLACE
Case Type: Residential Replat
Zoning: PD - 8
Case Address: 320 Portview PI

Date Created: 4/23/2015

For Questions on this Case Call (972) 771-7745



CULLEN GREGORY L & JEAN C
1604 S LAKESHORE DRIVE
ROCKWALL, TX 75087

SUNTEX RHCL MARINA LLC
17330 PRESTON ROAD SUITE 111D
DALLAS, TX 75252

HAMID SYED
2006 SLEEPY HOLLOW LN
HEATH, TX 75032

CURRENT RESIDENT
308 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
310 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
311 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
312 PORTVIEW PL
ROCKWALL, TX 75032

ROSS TOM
313 HARBORVIEW DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
314 PORTVIEW PL
ROCKWALL, TX 75032

CURRENT RESIDENT
315 HARBORVIEW DR
ROCKWALL, TX 75032

COFFEY JAMES & DEBORAH
316 PORTVIEW PL
ROCKWALL, TX 75032

CURRENT RESIDENT
317 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
318 PORTVIEW PL
ROCKWALL, TX 75032

REYNOLDS MARVIN C JR & CLARE D
319 HARBOR LANDING DR
ROCKWALL, TX 75032

SELF SCOTT & JANET
319 HARBORVIEW DR
ROCKWALL, TX 75032

BISCHOF BRADLEY G & SANDRA L
320 PORTVIEW PL
ROCKWALL, TX 75032

KUBASEK RYAN E
321 HARBOR LANDING DRIVE
ROCKWALL, TX 75032

CURRENT RESIDENT
322 PORTVIEW PL
ROCKWALL, TX 75032

IMRIE DONALD M & CHERYL K
323 HARBOR LANDING DR
ROCKWALL, TX 75032

CURRENT RESIDENT
323 HARBORVIEW DR
ROCKWALL, TX 75032

GRAY RUSSELL LEE
325 HARBOR LANDING DR
ROCKWALL, TX 75032

CURRENT RESIDENT
325 HARBORVIEW DR
ROCKWALL, TX 75032

HOWELL ELMIN K & BETTY K
326 HARBOR LANDING DR
ROCKWALL, TX 75032

CURRENT RESIDENT
326 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
327 HARBORVIEW DR
ROCKWALL, TX 75032

WHETSELL BETTY R
328 HARBOR LANDING DR
ROCKWALL, TX 75032

CURRENT RESIDENT
328 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
329 HARBORVIEW DR
ROCKWALL, TX 75032

MATTES JOHN AND TONG
330 HARBOR LANDING DR
ROCKWALL, TX 75032

CURRENT RESIDENT
330 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
331 HARBORVIEW DR
ROCKWALL, TX 75032

CURRENT RESIDENT
333 HARBORVIEW DR
ROCKWALL, TX 75032

MONAHAN GWENDELYN L AND MIRIAM GARCIA
335 HARBORVIEW DR
ROCKWALL, TX 75032

USMAN ASIM & HUMA RASHID
5140 BEAR CLAW LN
ROCKWALL, TX 75032

VALDES JAIME AND
5590 SPRING VALLEY F208
DALLAS, TX 75254

FRANCE COURT PROPERTIES LLC
5720 SOUTHERN CROSS DR
ROCKWALL, TX 75032

SELF BILLY & KATIE
1830 E I30
ROCKWALL, TX 75087

LUCIA LODEMA S TRUSTEE
PO BOX 1600
ROCKWALL, TX 75087

ROCKWALL RENTAL PROPERTIES LP
PO BOX 818
TERRELL, TX 75160



NOTICE OF PUBLIC HEARING

CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. P2015-015: 320 PORTVIEW PLACE

Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 5/12/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 5/18/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **5/18/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

— • — • — PLEASE RETURN THE BELOW FORM — • — • —

Case No. P2015-015: 320 PORTVIEW PLACE

Please place a check mark on the appropriate line below:

- ☐ I am in favor of the request for the reasons listed below.
- ☐ I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



NOTICE OF PUBLIC HEARING

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PHONE: (972) 771-7745

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Director of Planning & Zoning

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----- PLEASE RETURN THE BELOW FORM -----

Case No. P2015-015: 320 PORTVIEW PLACE

Please place a check mark on the appropriate line below:

- ☒ I am in favor of the request for the reasons listed below.
☐ I am opposed to the request for the reasons listed below.

No Change in zoning restrictions for combined plat.

Name:

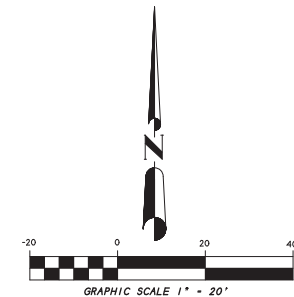
Marvin C. Reynolds

Address:

319 Harbor Landing Dr.

Tex. Loc. Gov. Code, Sec. 211.006 (d). If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



SURVEY DATE April 17, 2015
SCALE 1" = 20' **FILE #** 20090418-26RP
CLIENT BISHOF

CITY CASE NO P2015-

111

STATE OF TEXAS
COUNTY OF ROCKWALL
OWNER'S CERTIFICATE
(Public Dedication)

WHEREAS, BRADLEY G. BISCHOF, BEING the Owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

Being Lot 21 and Lot 22, Block C, of HARBOR LANDING PHASE TWO, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 10, Plat Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an "X" found for corner in the north right-of-way line of Harborview Drive, a 31 foot right-of-way, said point being at the southwest corner of said Lot 22;

THENCE N. 33 deg. 38 min. 08 sec. E. along the west line of Lot 22 and Lot 21, a distance of 203.55 feet to a 1/2" iron rod found for corner at the northwest corner of Lot 21;

THENCE S. 25 deg. 40 min. 35 sec. E. along the northeast line of Lot 21, a distance of 142.54 feet to a 1/2" iron rod found for corner in the curving northwest right-of-way line of Portview Place;

THENCE in a southwesterly direction along a curve to the left having a central angle of 73 deg. 16 min. 21 sec., a radius of 41.50 feet, a tangent of 30.86 feet, a chord of S. 27 deg. 41 min. 15 sec. W., 49.53 feet, along said right-of-way line, an arc distance of 53.07 feet to a 1/2" iron rod found for corner;

THENCE in a southwesterly direction along a curve to the right having a central angle of 25 deg. 03 min. 17 sec., a radius of 88.50 feet, a tangent of 19.66 feet, a chord of S. 03 deg. 34 min. 43 sec. W., 38.39 feet, along said right-of-way line, an arc distance of 38.70 feet to a 1/2" iron rod found for corner;

THENCE in a southwesterly direction along a curve to the right having a central angle of 100 deg. 07 min. 47 sec., a radius of 19.00 feet, a tangent of 22.70 feet, a chord of S. 56 deg. 10 min. 44 sec. W., 29.14 feet, along said right-of-way line, an arc distance of 33.20 feet to a 1/2" iron rod found for corner in the curving north right-of-way line of Harborview Drive;

THENCE in a northwesterly direction along a curve to the left having a central angle of 03 deg. 31 min. 09 sec., a radius of 815.50 feet, a tangent of 25.06 feet, a chord of N. 65 deg. 31 min. 13 sec. W., 50.06 feet, along said right-of-way line, an arc distance of 50.09 feet to a 1/2" iron rod found for corner;

THENCE N. 67 deg. 16 min. 48 sec. W. along said right-of-way line, a distance of 83.33 feet to the POINT OF BEGINNING and containing 20,000 square feet or 0.46 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I, the undersigned owner of the land shown on this plat, and designated herein as HARBOR LANDING PHASE 2, LOT 26, BLOCK C, BEING A REPLAT OF LOT 21 AND 22, BLOCK C, an Addition to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the subdivision have been notified and signed this plat.

I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same.

I also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein;
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exaction's made herein.

BRADLEY G. BISCHOF

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared BRADLEY G. BISCHOF known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this _____ day of _____, _____.

Notary Public in and for the State of Texas

My Commission Expires:

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Harold D. Fetty, III, R.P.L.S. No. 5034, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.



Harold D. Fetty, III
Registered Professional Land Surveyor No. 5034

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission Date _____

APPROVED

I hereby certify that the above and foregoing plat of HARBOR LANDING PHASE 2, LOT 26, BLOCK C, BEING A REPLAT OF LOT 21 AND 22, BLOCK C an addition to the City of Rockwall, Texas, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ____ day of _____.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred eighty (180) days from said date of final approval.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this _____ day of _____, _____.

Mayor, City of Rockwall _____ City Secretary City of Rockwall _____

City Engineer _____ Date _____

FINAL PLAT
HARBOR LANDING PHASE 2
LOT 26, BLOCK C

BEING A REPLAT OF
LOT 21 AND 22, BLOCK C
0.46 ACRES OR 20,000 S.F.
(1 LOT)
EDWARD TEAL SURVEY A-207
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
SHEET 2 OF 2

OWNER:
BRADLEY G. BISCHOF
320 PORTVIEW PLACE
ROCKWALL, TEXAS 75032
214-274-0380

SYMBOL LEGEND	
SURVEY DATE: APRIL 17, 2015	
SCALE: 1" = 20'	
FILE # 20090418-268P	
CLIENT: BISCHOF	

H.D. Fetty Land Surveyor, LLC
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE 972-635-9979 FAX

CITY CASE NO P2015-

Exhibit "C"
Harbor Landing Phase 2

BLOCK B

Lot #	Maximum Rooftop Elevation Per Court Order	Maximum Pad Elevation Per Court Order	As-Built Pad Elevation	Maximum House Height Per Court Order	Adjusted Maximum House Height
4	488	466		22'	
5	488	459		29'	
6	471	448	450	23'	21'
7	471	448		23'	
8	471	448		23'	
9	469	447		22'	
10	469	447		22'	
11	478.5	452		26.5'	
12	489	451		29'	
13	474.5	451.5		23'	
14	469	446		23'	
15	469	446		23'	
16	468	445	446	23'	22'
17	468	445	447	23'	21'
18	468	445	448	23'	20'
19	477	449		28'	
20	480	450		30'	
21	477	450		27'	
22	484	458	454	26'	30'
23	490	460		30'	

BLOCK C

Lot #	Maximum Rooftop Elevation Per Court Order	Maximum Pad Elevation Per Court Order	As-Built Pad Elevation	Maximum House Height Per Court Order	Adjusted Maximum House Height
14	479	456	459	23'	20'
15	481	456		25'	
16	482	457		25'	
17	485.5	462.5		23'	
18	495	470		25'	
19	496.5	473.5		23'	
20	493	470		23'	
21	492	466.5		26.5'	
22	478.5	456		22.5'	
23	479	457		22'	
24	479	457		22'	
25	489	467		22'	

City of Rockwall

Project Plan Review History



Project Number P2015-015	Owner BRADY G. BISCHOF	Applied 4/20/2015 LM
Project Name 320 PORTVIEW PLACE	Applicant BRADY G. BISCHOF	Approved
Type PLAT		Closed
Subtype REPLAT		Expired
Status STAFF REVIEW		Status 4/20/2015 LM

Site Address 320 PORTVIEW PL
City, State Zip ,

Zoning

Subdivision	Tract	Block	Lot No	Parcel No	General Plan
HARBOR LANDING PH 2	21	C	21	3808-000C-0021-00-OR	

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Shannon	4/20/2015	4/27/2015	4/21/2015	1	APPROVED	
ENGINEERING (4/21/2015 2:31 PM AW) Show 5' utility easement along back of lots 23-25, block C.	Amy Williams	4/20/2015	4/27/2015	4/21/2015	1	COMMENTS	See Comment
FIRE	Ariana Hargrove	4/20/2015	4/27/2015	4/23/2015	3	APPROVED	
GIS	Lance Singleton	4/20/2015	4/27/2015				
PLANNING Hold a public hearing to discuss and consider a request by Bradley G. Bischof for the approval of a residential replat creating Lot 26, Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place, and take any action necessary.	David Gonzales	4/20/2015	4/27/2015	4/23/2015	3	COMMENTS	See comments

Planning Department General Comments:

1. Adherence to Engineering and Fire Department standards.
2. Adherence to the court's order and in association with the proposed properties for the more "restrictive" maximums in regards to roof top elevations, pad elevations, and house height elevations as established for Lots 21 & 22, Block C of the Harbor Landing Phase 2 Addition and attached hereto and labeled as "Exhibit C".
3. Verify curve data (C1 - C4) to final plat.
4. Indicate outer extremes of Utility Easement along the rear of the property. Final plat indicates 15-ft Utility Easement.
5. Provide label indicating "Case No. P2015-015" at the lower right hand corner of each page.
6. All revised/corrected plans are to be submitted to the Planning Department by Tuesday, May 5th, 2015.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: City Council

FROM: Joey Boyd, Director of Internal Operations

DATE: May 11, 2015

SUBJECT: Atmos Energy Corporation; Mid-Tex Division Rate Settlement

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The RRM Tariff was adopted by the City as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. In February 2014, Atmos Mid-Tex filed its second annual filing under the Rate Review Mechanism (“RRM”) Tariff, seeking an increase of \$45.7 million. Although ACSC attempted to reach a settlement with the Company as it had in past years, the wide differences between the Company and ACSC’s consultants’ recommendations made a compromise impossible. On the recommendation of the ACSC Executive Committee and ACSC’s legal counsel, the City in 2014 adopted a Resolution denying the requested rate increase.

The Company appealed the City’s denial to the Railroad Commission of Texas (“Commission”), and revised its requested increase to \$43.8 million. A hearing was held on the Company’s appeal on September 3, 2014. On April 28, 2015, the Commission’s Hearings Examiner issued his Proposal for Decision (“PFD”) in the Company’s appeal of the City’s denial of the 2014 RRM rate increase. This PFD was not favorable to ACSC, but did recommend a reduction of approximately \$860,000 to the Company’s adjusted 2014 filing.

While the parties were waiting for the PFD from the Hearings Examiner in the appeal of the 2014 RRM filing, on February 27, 2015, Atmos Mid-Tex filed with the City another rate increase request under the RRM Tariff, seeking additional revenues in the amount of \$28.762 million (total system) or \$24.0 million (affected cities). The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its 2015 request to increase rates. The Ordinance and attached Settlement Agreement and tariffs are the result of negotiation between the Mid-Tex Executive Committee and the Company to resolve issues raised by ACSC during the review and evaluation of Atmos Mid-Tex’s filing. The recommended Settlement Agreement also requires

Atmos to abate its appeal of the City's rejection of the 2014 RRM rate increase pending approval by all ACSC cities of the Settlement Agreement. The Agreement requires Atmos to give the City the benefit of the adjustments to the 2014 rate increase recommended by the PFD.

The Ordinance and Settlement tariffs approve rates that will increase the Company's revenues by \$65.7 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2015. The monthly residential customer charge will be \$18.60. The consumption charge will change from \$0.08819 per Ccf to \$0.09931 per Ccf. The monthly bill impact for the typical residential customer consuming 60 Ccf will be an increase of \$1.14 (about a 1.59% increase in the base bill). The typical commercial customer will see an increase of \$2.69 or 0.96%.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance approving the negotiated Settlement Agreement resolving both the 2014 and the 2015 RRM filings, and implementing the rate change.

RRM Background:

The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. This is the third RRM filing under the renewed tariff. The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP surcharge process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos' expenditures, and does not allow participation by cities or recovery of cities' rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings. ACSC's consultants have calculated that had Atmos filed its 2015 case under the GRIP provisions, it would have received additional revenues from ratepayers of approximately \$10 million.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve the Settlement Agreement and the resulting rate change under the RRM tariff. As a result of the negotiations, the Executive Committee was able to reduce the Company's requested \$28.8 million rate increase for Mid-Tex cities to \$21,962,784. When added to the settlement of the 2014 RRM filing and the adjustments recommended by the PFD, the Company will receive total additional annual revenues of \$65.7 million. Because the 2014 rates have been in effect since June 1, 2014, the increase to currently-billed rates is \$21 million. Approval of the Ordinance will result in rates that implement an increase in Atmos Mid-Tex's revenues effective June 1, 2015.

Why Approve the Settlement Agreement:

While it is annoying and disconcerting to annually consider rate adjustments from Atmos Mid-Tex, the Texas legislature has granted gas utilities the right, through the GRIP process, to an annual increase based on increases in invested capital. GRIP is piecemeal ratemaking and ignores increases in revenues and declines in O&M expenses that may be associated with plant additions. ACSC found it preferable to negotiate with Atmos to substitute an expedited comprehensive review

process that includes consideration of revenues and expenses as well as invested capital for the GRIP process.

Compelling reasons for approving the Settlement include:

1. While the 2015 RRM system-wide filing exceeded \$28 million, a comparable GRIP filing would have been in excess of \$38 million. ACSC has negotiated a reduction to the 2015 filing of approximately \$6 million. Therefore, the 2015 RRM result is approximately \$16 million better for ratepayers within municipal limits than ratepayers within Environs.

2. ACSC counsel is convinced that the Proposal for Decision (“PFD”) by Railroad Commission Examiners in the 2014 RRM appeal will not improve if we file Exceptions and Replies to Exceptions. Counsel recommends action to avoid the PFD becoming a final order that would serve as precedent in future rate proceedings.

3. The token benefit to ratepayers authorized in the PFD to the 2014 appeal has been incorporated into the Settlement Agreement.

4. Atmos will file its formal withdrawal of its 2014 appeal only after all ACSC members approve the Settlement Agreement.

5. The alternative to approval of the Settlement Agreement would be another contested case hearing on appeal of the 2015 filing, implementation of interim rates on June 1, 2015 at the full value of the Company’s request (or \$6 million higher than proposed by the Settlement) and continuation of the 2014 appeal with resulting rate case expenses borne by ratepayers.

Explanation of “Be It Ordained” Sections:

1. This section approves all findings in the Ordinance.

2. This section finds the Settlement Agreement (attached to the Ordinance) to be a comprehensive settlement of gas utility rate issues arising from Atmos Mid-Tex’s 2014 and 2015 RRM filings, and that such settlement is in the public interest and consistent with the City’s statutory authority.

3. This section finds the existing Atmos Mid-Tex rates to be unreasonable, and approves the new tariffed rates providing for additional revenues over currently-billed rates of \$21 million and adopts the attached new rate tariffs.

4. This section establishes the baseline for pensions and other post-employment benefits for future rate cases.

5. This section renews the Atmos Mid-Tex RRM Tariff for an additional period of time, commencing with the filing to be made on March 1, 2016, and continuing until the RRM Tariff is suspended by ordinance of the City.

6. This section requires the Company to reimburse Cities for reasonable ratemaking costs associated with reviewing and processing the RRM filing.

7. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage which, according to the Cities' ordinance that adopted the RRM process, is June 1, 2015.
11. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for the Steering Committee.

CITY OF ROCKWALL, TEXAS

ORDINANCE 15-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

WHEREAS, the City of Rockwall, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the initial RRM Tariff was in effect for four (4) years; and

WHEREAS, ACSC Cities and Atmos Mid-Tex entered into another settlement agreement and revised the RRM Tariff; and

WHEREAS, ACSC Cities and Atmos Mid-Tex compromised and reached agreements on the amount of the rate increases to be in effect for the RRM Tariff filings for 2012 and 2013; and

WHEREAS, ACSC Cities and Atmos Mid-Tex were unable to reach an agreement on the 2014 RRM Tariff filing, resulting in the ACSC Cities' rejection of the 2014 RRM filing; and

WHEREAS, Atmos Mid-Tex appealed the ACSC Cities' actions rejecting its 2014 RRM filing to the Railroad Commission of Texas ("Commission"), pursuant to the provisions of the RRM Tariff; and

WHEREAS, Atmos Mid-Tex and ACSC litigated the appeal of the 2014 RRM filing at the Commission; and

WHEREAS, on February 27, 2015, Atmos Mid-Tex filed its 2015 RRM Tariff filing, requesting to increase natural gas base rates system-wide by \$28.762 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, Atmos Mid-Tex has agreed to withdraw its appeal of ACSC's rejection of its 2014 RRM Tariff rate increase; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve the attached Settlement Agreement (Attachment A to this Ordinance) as well as the tariffs attached thereto, resolving both the 2014 and the 2015 RRM Tariff filings, which together will increase the Company's revenues by \$65.7 million over the amount allowed under City-approved rates set in 2013; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated Settlement Agreement and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff should be renewed for a period of time commencing in 2016 and continuing until the RRM Tariff is suspended by ordinance of the City; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the Settlement Agreement (Attachment A to this Ordinance) represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2014 and 2015 RRM filings, is in the public interest, and is consistent with the City's authority under Section 103,001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment C, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$65.7 million in revenue over the amount allowed under currently approved rates, or \$21 million over currently-billed rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos' next RRM filing shall be as set forth on Attachment D, attached hereto and incorporated herein.

Section 5. That in an effort to streamline the regulatory review process, the Atmos Mid-Tex RRM Tariff is renewed for a period commencing with the Company's March 1, 2016 RRM filing for calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as the City adopts an ordinance suspending operation of the RRM Tariff.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's RRM application.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions

of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2015.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED by the City Council of the City of Rockwall, Texas this 18th day of May, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

**SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORP., MID-TEX
DIVISION AND ATMOS CITIES STEERING COMMITTEE**

WHEREAS, this agreement ("Settlement Agreement") is entered into by Atmos Energy Corp's Mid-Tex Division and Atmos Cities Steering Committee ("ACSC") whose members include the Cities of Abilene, Addison, Allen, Alvarado, Angus, Anna, Argyle, Arlington, Aubrey, Bedford, Bellmead, Benbrook, Beverly Hills, Blossom, Blue Ridge, Bowie, Boyd, Bridgeport, Brownwood, Buffalo, Burkburnett, Burleson, Caddo Mills, Canton, Carrollton, Cedar Hill, Celeste, Celina, Centerville, Cisco, Clarksville, Cleburne, Clyde, College Station, Colleyville, Colorado City, Comanche, Commerce, Coolidge, Coppell, Copperas Cove, Corinth, Corral City, Crandall, Crowley, Dalworthington Gardens, Denison, DeSoto, Duncanville, Eastland, Edgecliff Village, Emory, Ennis, Euless, Everman, Fairview, Farmers Branch, Farmersville, Fate, Flower Mound, Forest Hill, Fort Worth, Frisco, Frost, Gainesville, Garland, Garrett, Grand Prairie, Grapevine, Gunter, Haltom City, Harker Heights, Haskell, Haslet, Hewitt, Highland Park, Highland Village, Honey Grove, Hurst, Hutto, Iowa Park, Irving, Justin, Kaufman, Keene, Keller, Kemp, Kennedale, Kerens, Kerrville, Killeen, Krum, Lake Worth, Lakeside, Lancaster, Lewisville, Lincoln Park, Little Elm, Lorena, Madisonville, Malakoff, Mansfield, McKinney, Melissa, Mesquite, Midlothian, Murphy, Newark, Nocona, North Richland Hills, Northlake, Oakleaf, Ovilla, Palestine, Pantego, Paris, Parker, Pecan Hill, Petrolia, Plano, Ponder, Pottsboro, Prosper, Quitman, Red Oak, Reno (Parker County), Richardson, Richland, Richland Hills, Roanoke, Robinson, Rockwall, Roscoe, Rowlett, Royse City, Sachse, Saginaw, Sansom Park, Seagoville, Sherman, Snyder, Southlake, Springtown, Stamford, Stephenville, Sulphur Springs, Sweetwater, Temple, Terrell, The Colony, Trophy Club, Tyler, University Park, Venus, Vernon, Waco, Watauga, Waxahachie, Westlake, White Settlement, Whitesboro, Wichita Falls, Woodway, and Wylie.

WHEREAS, on February 28, 2014, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2014 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism, which were subsequently consolidated into GUD No. 10359 at the Railroad Commission of Texas; and

WHEREAS, on February 27, 2015, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2015 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism; and

WHEREAS, the Settlement Agreement resolves all issues between Atmos and ACSC ("the Signatories") regarding the 2014 RRM filing, which is currently pending before the Commission, and the 2015 RRM filing, which is currently pending before the ACSC Cities, in a manner that the Signatories believe is consistent with the public interest, and the Signatories represent diverse interests; and

WHEREAS, the Signatories believe that the resolution of the issues raised in the 2014 RRM filing and the 2015 RRM filing can best be accomplished by each ACSC City approving this Settlement Agreement and the rates, terms and conditions reflected in the tariffs attached to this Settlement Agreement as Exhibit A;

NOW, THEREFORE, in consideration of the mutual agreements and covenants established herein, the Signatories, through their undersigned representatives, agree to the

Attachment A

following Settlement Terms as a means of fully resolving all issues between Atmos and the ACSC Cities involving the 2014 RRM filing and 2015 RRM filing:

Settlement Terms

1. Upon the execution of this Settlement Agreement, the ACSC Cities will approve an ordinance or resolution to approve the Settlement Agreement and implement the rates, terms and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. (Attachment A to the Ordinance ratifying the Agreement). Said tariffs should allow Atmos to recover annually an additional \$65.7 million in revenue over the amount allowed under currently approved rates by implementation of rates shown in the proof of revenues attached as Exhibit B. (Attachment B to the Ordinance ratifying this Agreement). The uniform implementation of gas rates, terms and conditions established by the Settlement Agreement shall be effective for bills rendered on or after June 1, 2015. Consistent with the City's authority under Section 103.001 of the Texas Utilities Code, the Settlement Agreement represents a comprehensive settlement of gas utility rate issues affecting the rates, operations and services offered by Atmos within the municipal limits of the ACSC Cities arising from Atmos' 2014 RRM filing and 2015 RRM filing. No refunds of charges billed to customers by Atmos under the RRM in past periods shall be owed or owing.
2. In an effort to streamline the regulatory review process, Atmos and the ACSC Cities have agreed to renew the Rate Review Mechanism ("Rider RRM") for a period commencing with the Company's March 1, 2016 filing under this mechanism for the calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as either the ACSC Cities issue an ordinance stating a desire to discontinue the operation of the tariff or Atmos files a Statement of Intent. Atmos and the ACSC Cities further agree that the RRM tariff shall remain in effect until such time as new, final rates are established for Atmos. Upon approval of this Settlement Agreement by the ACSC Cities, Atmos shall file an updated RRM Tariff with each city reflecting the provisions of this agreement.
3. Atmos and the ACSC Cities agree that rate base as of December 31, 2014 in the amount of \$1,955,948,256 is just and reasonable and shall be recovered in rates.
4. Atmos and the ACSC Cities agree that a pension and other postemployment benefits balance as of December 31, 2014 in the amount of \$18,284,949 is just and reasonable and shall be used as the beginning balance for purposes of determining pension and other postemployment benefits to be recovered in the next RRM filing (Attachment D to the Ordinance ratifying the Agreement).
5. With regard to the treatment of Atmos' Rule 8.209 regulatory asset under the RRM, Atmos and the ACSC Cities agree to the following with respect to any pending and future RRM filings:
 - a. the capital investment in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209;

Attachment A

- b. the classification of projects included in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall serve as a basis for classification of projects in future RRM filings;
 - c. the treatment of blanket replacement projects, system upgrades, relocations, and transmission line replacements in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings.
 - d. the incurred expenses included in the Rule 8.209 regulatory asset in the 2014 RRM and the 2015 RRM are reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings;
 - e. interest on the Rule 8.209 regulatory asset account shall be calculated using the pre-tax cost of capital most recently approved by the Commission. The use of the pre-tax cost of capital is consistent with Rule 8.209. A return on Rule 8.209 capital investment is only earned once the investment is included in rate base. No change in the Company's calculation of the interest component in its Rule 8.209 regulatory asset accounts is warranted through the period ended May 31, 2015. Beginning June 1, 2015, interest expense shall be calculated monthly using simple interest (*i.e.* 11.49% divided by 12, or approximately 0.96% per month) applied to the total value of the Rule 8.209 asset investment (exclusive of interest) until such time the Rule 8.209 regulatory asset is approved for inclusion in the Company's rate base.
 - f. While Atmos and the ACSC Cities agree to apply the treatments and methodologies set forth in this paragraph, subsections (a) – (e) in all future RRM filings, the regulatory authority retains its right to disallow any capital investment that is not shown to be prudently incurred, and any expense not shown to be reasonable and necessary, in future RRM filings.
 - g. Atmos and the ACSC Cities acknowledge that their agreement regarding the treatment and methodologies applicable to Rule 8.209 capital investments under the RRM tariff shall not prejudice the right of either party to argue for different treatments or methodologies in a future statement of intent proceeding.
6. Revenues approved pursuant to Paragraph 1 of the Settlement Agreement include reimbursement of rate case expenses owed to the ACSC Cities in connection with the 2014 RRM filing.
7. The Signatories agree that each ACSC city shall approve this Settlement Agreement and adopt an ordinance or resolution to implement for the ACSC Cities the rates, terms, and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. Atmos and ACSC further agree that at such time as all of the ACSC Cities have passed an ordinance or resolution consistent with the Settlement and Atmos has received such ordinance or resolution, Atmos shall withdraw its appeal of the currently pending RRM filing before the Railroad Commission of Texas in connection with the 2014 RRM filing.

8. Atmos and the ACSC Cities further agree that the express terms of the Rider RRM are supplemental to the filing, notice, regulatory review, or appellate procedural process of the ratemaking provisions of Chapter 104 of the Texas Utilities Code. If the statute requires a mandatory action on behalf of the municipal regulatory authority or Atmos, the parties will follow the provisions of such statute. If the statute allows discretion on behalf of the municipal regulatory authority, the ACSC Cities agree that they shall exercise such discretion in such a way as to implement the provisions of the RRM tariff. If Atmos appeals an action or inaction of an ACSC City regarding an RRM filing to the Railroad Commission, the ACSC Cities agree that they will not oppose the implementation of interim rates or advocate the imposition of a bond by Atmos consistent with the RRM tariff. Atmos agrees that it will make no filings on behalf of its Mid-Tex Division under the provisions of Section 104.301 of the Texas Utilities code while the Rider RRM is in place. In the event that a regulatory authority fails to act or enters an adverse decision regarding the proposed annual RRM adjustment, the Railroad Commission of Texas shall have exclusive appellate jurisdiction, pursuant to the provisions of the Texas Utilities Code, to review the action or inaction of the regulatory authority exercising exclusive original jurisdiction over the RRM request. In addition, the Signatories agree that this Settlement Agreement shall not be construed as a waiver of the ACSC Cities' right to initiate a show cause proceeding or the Company's right to file a Statement of Intent under the provisions of the Texas Utilities Code.
9. The Signatories agree that the terms of the Settlement Agreement are interdependent and indivisible, and that if any ACSC city enters an order that is inconsistent with this Settlement Agreement, then any Signatory may withdraw without being deemed to have waived any procedural right or to have taken any substantive position on any fact or issue by virtue of that Signatory's entry into the Settlement Agreement or its subsequent withdrawal. If any ACSC city rejects this Settlement Agreement, then this Settlement Agreement shall be void *ab initio* and counsel for the ACSC Cities shall thereafter only take such actions as are in accordance with the Texas Disciplinary Rules of Professional Conduct.
10. The Signatories agree that all negotiations, discussions and conferences related to the Settlement Agreement are privileged, inadmissible, and not relevant to prove any issues associated with Atmos' 2014 RRM filing and 2015 RRM filing.
11. The Signatories agree that neither this Settlement Agreement nor any oral or written statements made during the course of settlement negotiations may be used for any purpose other than as necessary to support the entry by the ACSC Cities of an ordinance or resolution implementing this Settlement Agreement.
12. The Signatories agree that this Settlement Agreement is binding on each Signatory only for the purpose of settling the issues set forth herein and for no other purposes, and, except to the extent the Settlement Agreement governs a Signatory's rights and obligations for future periods, this Settlement Agreement shall not be binding or precedential upon a Signatory outside this proceeding.

Attachment A

13. The Signatories agree that this Settlement Agreement may be executed in multiple counterparts and may be filed with facsimile signatures.

Attachment A

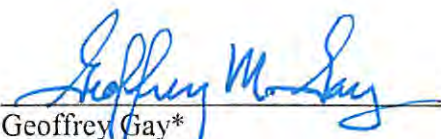
Agreed to this 7 day of May, 2015.

ATMOS ENERGY CORP., MID-TEX DIVISION

By: John A. Paris
John A. Paris
President, Mid-Tex Division

Agreed to this 7th day of May 2015.

ATTORNEY FOR ATMOS CITIES STEERING COMMITTEE, WHOSE MEMBERS INCLUDE THE CITIES OF ABILENE, ADDISON, ALLEN, ALVARADO, ANGUS, ANNA, ARGYLE, ARLINGTON, AUBREY, BEDFORD, BELLMEAD, BENBROOK, BEVERLY HILLS, BLOSSOM, BLUE RIDGE, BOWIE, BOYD, BRIDGEPORT, BROWNWOOD, BUFFALO, BURKBURNETT, BURLESON, CADDO MILLS, CANTON, CARROLLTON, CEDAR HILL, CELESTE, CELINA, CENTERVILLE, CISCO, CLARKSVILLE, CLEBURNE, CLYDE, COLLEGE STATION, COLLEYVILLE, COLORADO CITY, COMANCHE, COMMERCE, COOLIDGE, COPPELL, COPPERAS COVE, CORINTH, CORRAL CITY, CRANDALL, CROWLEY, DALWORTHINGTON GARDENS, DENISON, DESOTO, DUNCANVILLE, EASTLAND, EDGECLIFF VILLAGE, EMORY, ENNIS, EULESS, EVERMAN, FAIRVIEW, FARMERS BRANCH, FARMERSVILLE, FATE, FLOWER MOUND, FOREST HILL, FORT WORTH, FRISCO, FROST, GAINESVILLE, GARLAND, GARRETT, GRAND PRAIRIE, GRAPEVINE, GUNTER, HALTOM CITY, HARKER HEIGHTS, HASKELL, HASLET, HEWITT, HIGHLAND PARK, HIGHLAND VILLAGE, HONEY GROVE, HURST, HUTTO, IOWA PARK, IRVING, JUSTIN, KAUFMAN, KEENE, KELLER, KEMP, KENNEDALE, KERENS, KERRVILLE, KILLEEN, KRUM, LAKE WORTH, LAKESIDE, LANCASTER, LEWISVILLE, LINCOLN PARK, LITTLE ELM, LORENA, MADISONVILLE, MALAKOFF, MANSFIELD, MCKINNEY, MELISSA, MESQUITE, MIDLOTHIAN, MURPHY, NEWARK, NOCONA, NORTH RICHLAND HILLS, NORTHLAKE, OAKLEAF, OVILLA, PALESTINE, PANTEGO, PARIS, PARKER, PECAN HILL, PETROLIA, PLANO, PONDER, POTTSBORO, PROSPER, QUITMAN, RED OAK, RENO (PARKER COUNTY), RICHARDSON, RICHLAND, RICHLAND HILLS, ROANOKE, ROBINSON, ROCKWALL, ROSCOE, ROWLETT, ROYSE CITY, SACHSE, SAGINAW, SANSOM PARK, SEAGOVILLE, SHERMAN, SNYDER, SOUTHLAKE, SPRINGTOWN, STAMFORD, STEPHENVILLE, SULPHUR SPRINGS, SWEETWATER, TEMPLE, TERRELL, THE COLONY, TROPHY CLUB, TYLER, UNIVERSITY PARK, VENUS, VERNON, WACO, WATAUGA, WAXAHACHIE, WESTLAKE, WHITE SETTLEMENT, WHITESBORO, WICHITA FALLS, WOODWAY, AND WYLIE.

By: 
Geoffrey Gay*

* Subject to approval by ACSC City Councils

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 40.00 per month
Rider CEE Surcharge	\$ 0.00 per month ¹
Total Customer Charge	\$ 40.00 per month
Commodity Charge – All Ccf	\$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 18.60 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 18.62 per month
Commodity Charge – All <u>Ccf</u>	\$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2015	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_{ij} = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2015	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE
TEST YEAR ENDING DECEMBER 31, 2014

(a)	(b)	(c)	(d)	(e)	(f)	(g)
1 Proposed Change In Rates:		\$21,066,527	Schedule A			
2 Proposed Change In Rates without Revenue Related Taxes:		\$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3						
4						
5						

	Revenue Requirements	Allocations	
6 Residential	\$ 338,431,486	77.95%	Per GUD 10170 Final Order
7 Commercial	\$ 84,223,622	19.40%	Per GUD 10170 Final Order
8 Industrial and Transportation	\$ 11,490,316	2.65%	Per GUD 10170 Final Order
9 Net Revenue Requirements GUD No. 10170	\$ 434,145,424		

Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Revenues	Proposed Rates with Rate Case Expenses
20 Residential Base Charge	\$ 18.20	\$ 0.36	\$ 18.56	\$ 6,351,350	\$ 327,447,398	\$ 18.60
21 Residential Consumption Charge	\$ 0.08819	\$ 0.01112	\$ 0.09931	\$ 9,049,383	\$ 80,817,829	\$ 0.09931
22 Commercial Base Charge	\$ 38.50	\$ 1.37	\$ 39.87	\$ 2,000,584	\$ 58,221,364	\$ 40.00
23 Commercial Consumption Charge	\$ 0.07681	\$ 0.00339	\$ 0.08020	\$ 1,834,968	\$ 43,411,339	\$ 0.08020
24 I&T Base Charge	\$ 675.00	\$ 22.35	\$ 697.35	\$ 220,192	\$ 6,870,292	\$ 700.00
25 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2807	\$ 0.0130	\$ 0.2937	\$ 142,055	\$ 3,209,350	\$ 0.2937
26 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2056	\$ 0.0095	\$ 0.2151	\$ 117,051	\$ 2,650,282	\$ 0.2151
27 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0441	\$ 0.0020	\$ 0.0461	\$ 42,703	\$ 984,314	\$ 0.0461
				\$ 19,758,287	\$ 523,612,169	

Data Sources:
GUD10170_FINAL.xlsm

ATMOS ENERGY CORP., MID-TEX DIVISION
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE
TEST YEAR ENDING DECEMBER 31, 2014

(a)	(b)	(c)	(d)	(e)	(f)	(g)
1 Proposed Change In Rates:		\$21,066,527	Schedule A			
2 Proposed Change In Rates without Revenue Related Taxes:		\$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3						
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	Revenue Requirements	Allocations	
6 Residential	\$ 338,431,486	77.95%	Per GUD 10170 Final Order
8 Commercial	\$ 84,223,622	19.40%	Per GUD 10170 Final Order
9 Industrial and Transportation	\$ 11,490,316	2.65%	Per GUD 10170 Final Order
10 Net Revenue Requirements GUD No. 10170	<u>\$ 434,145,424</u>		
11			
12			
17			

	Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Revenues	Proposed Rates with Rate Case Expenses
18							
19							
20	Residential Base Charge	\$ 18.20	\$ 0.36	\$ 18.56	\$ 6,351,350	\$ 327,447,398	\$ 18.60
21	Residential Consumption Charge	\$ 0.08819	\$ 0.01112	\$ 0.09931	\$ 9,049,383	\$ 80,817,829	\$ 0.09931
22	Commercial Base Charge	\$ 38.50	\$ 1.37	\$ 39.87	\$ 2,000,584	\$ 58,221,364	\$ 40.00
23	Commercial Consumption Charge	\$ 0.07681	\$ 0.00339	\$ 0.08020	\$ 1,834,968	\$ 43,411,339	\$ 0.08020
24	I&T Base Charge	\$ 675.00	\$ 22.35	\$ 697.35	\$ 220,192	\$ 6,870,292	\$ 700.00
25	I&T Consumption Charge Tier 1 MMBTU	\$ 0.2807	\$ 0.0130	\$ 0.2937	\$ 142,055	\$ 3,209,350	\$ 0.2937
26	I&T Consumption Charge Tier 2 MMBTU	\$ 0.2056	\$ 0.0095	\$ 0.2151	\$ 117,051	\$ 2,650,282	\$ 0.2151
27	I&T Consumption Charge Tier 3 MMBTU	\$ 0.0441	\$ 0.0020	\$ 0.0461	\$ 42,703	\$ 984,314	\$ 0.0461
28							
29					\$ 19,758,287	\$ 523,612,169	

Data Sources:
GUD10170_FINAL.xlsm

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

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Customer Charge per Bill	\$ 40.00 per month
Rider CEE Surcharge	\$ 0.00 per month ¹
Total Customer Charge	\$ 40.00 per month
Commodity Charge – All Ccf	\$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

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Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

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Curtailment Overpull Fee

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Replacement Index

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RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

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Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

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Commodity Charge – All <u>Ccf</u>	\$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

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RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2937 per MMBtu
Next 3,500 MMBtu	\$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2015	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2015	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2015	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2014

Line No.	Description (a)	Shared Services		Mid-Tex Direct			Adjustment Total (g)
		Pension Account Plan ("PAP") (b)	Post-Retirement Medical Plan ("FAS 106") (c)	Pension Account Plan ("PAP") (d)	Supplemental Executive Benefit Plan ("SERP") (e)	Post-Retirement Medical Plan ("FAS 106") (f)	
1	Fiscal Year 2014 Towers Watson Report (excluding Removed Cost Centers)	\$ 6,388,826	\$ 4,542,023	\$ 9,481,670	\$ 165,758	\$ 8,736,645	
2	Allocation to Mid-Tex	46.26%	46.26%	71.70%	100.00%	71.70%	
3	FY14 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY14 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334	\$ 18,284,949
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531		\$ 9,753,835	
11	Total Post-Retirement Medical Plan ("FAS 106")				\$ 6,264,334	\$ 8,365,356	
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 165,758	\$ 165,758	
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334	\$ 18,284,949
14							
15	O&M Expense Factor	95.82%	95.82%	43.03%	21.00%	43.03%	
16							
17	Expense Portion (Ln 13 x Ln 16)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721	\$ 10,501,250
18							
19	Capital Factor	4.18%	4.18%	56.97%	79.00%	56.97%	
20							
21	Capital Portion (Ln 13 x Ln 20)	\$ 123,445	\$ 87,761	\$ 3,872,930	\$ 130,949	\$ 3,568,614	\$ 7,783,899
22							
23	Total (Ln 18 + Ln 22)	\$ 2,955,304	\$ 2,101,021	\$ 6,798,531	\$ 165,758	\$ 6,264,334	\$ 18,284,949
24							

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April 27, 2015

Dear Kristy Ashberry,

May is National Older Americans Month, a federally proclaimed annual celebration. Meals on Wheels Senior Services are honoring Rockwall County seniors, programs, and volunteers serving our elderly community. The National Theme this Year is: Get into the Act! Enclosed is the information from the Federal Website. Please submit two nominee's for an award for an outstanding senior who is making a difference in the senior community. Please call the office at:

972-771-9514 or send e-mail to:
rockwallmow@hotmail.com

We are having the proclamations and awards presented at a reception on Friday, May 22nd, at 1:00p.m. at the Rockwall County Library, 1215 Yellowjacket Lane, Rockwall, TX 75087. All elected officials or candidates for public office are invited to attend. Thank you for your time! The Seniors of Rockwall County really appreciate all your efforts.

Sincerely,

A handwritten signature in black ink that reads "Margie VerHagen". The signature is fluid and cursive, with the first name "Margie" being more prominent.

Margie VerHagen
Executive Director

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor & City Council Members

FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager

DATE: May 15, 2015

SUBJECT: Resolution Canvassing May 9, 2015 elections

Included for Council action on the May 18 meeting agenda is a resolution canvassing the General (city council members) and Special (Charter amendments) elections. City Attorney Frank Garza has reviewed and approved of the resolution included in the meeting packet. Certificates of Election will be given and Oaths of Office administered for newly elected council members on June 1st.

CITY OF ROCKWALL
RESOLUTION NO. 15-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING AND ELECTION DAY BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL AND SPECIAL ELECTIONS HELD ON THE 9TH OF MAY, 2015 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) COUNCIL MEMBERS - ONE (1) FOR PLACE 1, ONE (1) FOR PLACE 3, AND ONE (1) FOR PLACE 5, EACH FOR TWO (2) YEAR TERMS, AND FOR FILLING A ONE YEAR UNEXPIRED TERM FOR PLACE 2 AND FOR A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF ROCKWALL, TEXAS, FOR THE ADOPTION OR REJECTION OF, CERTAIN PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 2, 2015, the City Council of the City of Rockwall, Texas (hereinafter referred to as the "City") passed and approved Resolution No. 15-04 which ordered a general election (hereinafter referred to as the "General Municipal Election") to be held on May 9, 2015, for the purpose of electing a Mayor and three Council Members, one (1) for Place 1, one (1) for Place 3, and one (1) for Place 5, each for two (2) year terms and a Special Election to fill a one year, unexpired term for Place 2; and

WHEREAS, on February 2, 2015, the City Council also passed and approved Resolution No. 15-05 which ordered a Special Election for the purpose of submitting to the qualified voters of the City, for the adoption or rejection of, certain proposed amendments to the City Charter, pursuant to the provisions of Section 9.004 of the Texas Local Government Code (the "Code"); and

WHEREAS, it is hereby found and determined that notice of said elections were duly given in the form, manner and time required by law, and that said elections were in all respects legally held and conducted in accordance with applicable laws of the State of Texas, including the proceedings calling and governing the holding of said elections; and

WHEREAS, the returns of said elections were duly and legally received by the Rockwall County Elections Administrator and submitted to the City of Rockwall for canvassing by the Rockwall City Council, and that a tabulation of the returns for each polling place for early voting and election day voting, as canvassed and tabulated by this governing body show **1,880** total ballots were cast, and each city council candidate received the following number of votes in the General Election (for Mayor, Place 1, Place 3, and Place 5) and Special Election (to fill a one-year vacancy for Place 2):

City Council, Mayor	Votes Cast	Percentages
Jim Pruitt	1,042	55.43%
Dennis Lewis	838	44.57%
City Council, Place 1		
David White	1,320	100.00%
City Council, Place 2		
John Hohenshelt	1,282	100.00%
City Council, Place 3		
Freddie Jackson	598	33.54%
Kevin Fowler	1,185	66.46%
City Council, Place 5		
Scott Milder	1,288	100.00%

WHEREAS, said returns also reflect the following results related to the Special Election that was held for consideration of certain amendments to the City Charter:

<p>VOTES CAST (RESULTS) SHOWN IN BOLD, BLUE FONT BELOW</p> <p><input type="radio"/> YES 1,626 / 92.91%</p> <p><input type="radio"/> NO 124 / 7.09%</p> <p>Total ballots cast: 1,750</p>	<p>PROPOSITION NO. 1 (PROPOSICIÓN NRO. 1)</p> <p>SHALL SECTIONS 1.04 (3), 3.04 (2), 3.05 (4), 3.08 (1), 3.11 (3), 4.02 (2), 4.04 (6), 5.02 (F), 7.15 (1), 7.16 (3), 7.18, 11.13 (G), AND 11.16 OF THE CITY CHARTER BE AMENDED TO REQUIRE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY TO ELIMINATE PROVISIONS WHICH HAVE BECOME INOPERATIVE BECAUSE THEY HAVE BEEN SUPERSEDED BY STATE LAW; REPLACE OBSOLETE REFERENCES; UPDATE TERMINOLOGY TO CURRENT LEGAL USAGE, AND TO ELIMINATE OBSOLETE TRANSITIONAL PROVISIONS?</p>
<p><input type="radio"/> YES 1,467 / 82.60%</p> <p><input type="radio"/> NO 309 / 17.40%</p> <p>Total ballots cast: 1, 776</p>	<p>PROPOSITION NO. 2 (PROPOSICIÓN NRO. 2)</p> <p>SHALL SECTIONS 3.06 (B) AND 4.03 (3) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY COUNCIL TO APPOINT ASSOCIATE MUNICIPAL JUDGE(S) AND ELIMINATE THE OPTION OF THE MAYOR BEING REQUIRED TO SERVE AS MUNICIPAL JUDGE IN THE ABSENCE OF THE MUNICIPAL JUDGE?</p>
<p><input type="radio"/> YES 1,721 / 96.63%</p> <p><input type="radio"/> NO 60 / 3.37%</p> <p>Total ballots cast: 1,781</p>	<p>PROPOSITION NO. 3 (PROPOSICIÓN NRO. 3)</p> <p>SHALL SECTION 5.04 (3) OF THE CITY CHARTER BE ADDED TO CLARIFY THAT NEWLY ELECTED COUNCIL MEMBERS WILL BE SWORN IN TO TAKE OFFICE AT THE FIRST CITY COUNCIL MEETING FOLLOWING THE OFFICIAL CANVASSING OF THE ELECTION?</p>
<p><input type="radio"/> YES 1,465 / 83.71%</p> <p><input type="radio"/> NO 285 / 16.29%</p> <p>Total ballots cast: 1,750</p>	<p>PROPOSITION NO. 4 (PROPOSICIÓN NRO. 4)</p> <p>SHALL SECTION 6.07 (1) OF THE CITY CHARTER BE AMENDED TO INCREASE THE NUMBER OF DAYS THE CITY SECRETARY HAS TO VERIFY SIGNATURES ON A PETITION FROM TEN DAYS TO TWENTY-ONE DAYS?</p>

<p><input type="radio"/> YES 1,370 / 79.28%</p> <p><input type="radio"/> NO 358 / 20.72%</p> <p>Total ballots cast: 1,728</p>	<p>PROPOSITION NO. 5 (PROPOSICIÓN NRO. 5)</p> <p>SHALL SECTION 7.02 OF THE CITY CHARTER BE AMENDED TO CHANGE THE DATE THE CITY MANAGER MUST SUBMIT THE DRAFT BUDGET TO THE CITY COUNCIL FROM AUGUST 1ST TO AUGUST 15TH?</p>
<p><input type="radio"/> YES 1,242 / 73.23%</p> <p><input type="radio"/> NO 454 / 26.77%</p> <p>Total ballots cast: 1,696</p>	<p>PROPOSITION NO. 6 (PROPOSICIÓN NRO. 6)</p> <p>SHALL SECTION 7.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE DATE THE COUNCIL ADOPTS THE BUDGET FROM 10 DAYS PRIOR TO THE END OF THE FISCAL YEAR TO PRIOR TO THE BEGINNING OF THE NEXT FISCAL YEAR?</p>
<p><input type="radio"/> YES 1,593 / 90.77%</p> <p><input type="radio"/> NO 162 / 9.23%</p> <p>Total ballots cast: 1,755</p>	<p>PROPOSITION NO. 7 (PROPOSICIÓN NRO. 7)</p> <p>SHALL SECTION 8.01 (5) OF THE CITY CHARTER BE AMENDED TO CLARIFY THAT COUNCIL ACTION IS REQUIRED TO REMOVE ANY CITY BOARD OR COMMISSION MEMBER WHO IS ABSENT FROM THREE CONSECUTIVE REGULAR MEETINGS WITHOUT EXPLANATION ACCEPTABLE TO THE CITY COUNCIL?</p>
<p><input type="radio"/> YES 1,699 / 96.32%</p> <p><input type="radio"/> NO 65 / 3.68%</p> <p>Total ballots cast: 1,764</p>	<p>PROPOSITION NO. 8 (PROPOSICIÓN NRO. 8)</p> <p>SHALL SECTION 11.16 OF THE CITY CHARTER BE ADDED TO PROVIDE A PROCEDURE FOR OPERATION OF THE CITY GOVERNMENT IN CASE OF A DISASTER?</p>

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Incorporation of premises. That all of the above premises are found and determined to be true and correct and are incorporated into the body of this resolution as if copied in their entirety; and

Section 2. Confirmation of Vote Tabulations. That it is further found and determined that the results of the General Election, as canvassed and tabulated in the preamble of this resolution, reflect the expressed desires of the resident, qualified electors of the City; and

Section 3. Elected Officials: Terms of Office. That the duly elected members of the City Council of the City of Rockwall, elected May 9, 2015, for Mayor and Places 1, 2, 3, and 5, and the corresponding terms of office, subject to the taking of the oaths of office as required by the laws of the State of Texas, are as follows:

City Council, Mayor	TERMS
Jim Pruitt	Two (2) Years – ending May 2017
City Council, Place 1	
David White	Two (2) Years – ending May 2017
City Council, Place 2	
John Hohenshelt	One (1) Year – ending May 2016
City Council, Place 3	
Kevin Fowler	Two (2) Years – ending May 2017
City Council, Place 5	
Scott Milder	Two (2) Years – ending May 2017

Section 4. Adopted Charter Amendments. That the results of the Charter amendment ballot propositions, as canvassed and tabulated in the preamble of this resolution reflect the expressed desires of the resident, qualified voters of the City and that associated changes to the City Charter's language shall be adopted by entering an Order into the city records by way of passage of an ordinance adopted by the City Council; and

Section 5. Canvassing of Returns. That the City Council of the City of Rockwall, Texas has convened on Monday, May 18, 2015 during its regularly scheduled city council meeting to canvass the returns of the aforementioned elections in accordance with the Texas Election Code, that said meeting was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code.

Section 6. Issuance of Certificates of Election. That the Mayor is hereby authorized and directed to execute and deliver Certificates of Election to the successful candidates elected during the May 9, 2015 General Municipal Election, as specified in Section 3 of this resolution; and

Section 7. Issuance of Canvass of General Municipal Election. That the Mayor is hereby authorized and directed to execute and deliver the Canvass of the General and Special Municipal Elections, a copy of which is attached hereto as "Exhibit A" of this resolution in accordance with the election laws of the State of Texas, and to take all other action necessary in connection therewith; and

Section 8. Severability. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect,

such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect; and

Section 9. **Effective Date.** That this resolution shall be in force and effect from and after its passage and it is accordingly so resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, this 18th day of May, 2015.**

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

EXHIBIT A

CANVASS OF MAY 9, 2015 GENERAL AND SPECIAL ELECTIONS

I, Jim Pruitt, Presiding Officer and Mayor of the City of Rockwall, with the Rockwall City Council sitting as the Canvassing Board, do hereby canvass the General and Special Elections held on May 9, 2015, in, Rockwall, Texas, and state the following:

I HEREBY CERTIFY that the figures on the returns have been received from the Rockwall County Elections Administrator and have been APPROVED by the City Council of the City of Rockwall, Texas.

WITNESS MY HAND ON THIS THE 18TH DAY OF MAY, 2015.

**Jim Pruitt, Mayor and Presiding Officer
Canvassing Board
City of Rockwall, Texas**

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor & City Council Members

FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager

DATE: May 15, 2015

SUBJECT: Ordinance re: Order to Adopt Voter Approved Charter Amendments

Included for Council consideration on the May 18 meeting agenda is an ordinance calling for an Order to be entered into the city records declaring that eight (8) amendments to the City Charter were approved by voters in the May 9, 2015 election and that the specific changes to the Charter are formally adopted by the City Council. City Attorney Frank Garza has indicated that passage of this ordinance is required by state law and has advised that only one reading of the ordinance caption is necessary. The full ordinance is being provided to the Council for review in the meeting packet and for consideration Monday night.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 15-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ENTERING AN ORDER INTO THE CITY RECORDS DECLARING THAT A TOTAL OF EIGHT (8) HOME RULE CHARTER AMENDMENTS WERE APPROVED BY THE VOTERS OF THE CITY ON MAY 9, 2015, AND ARE HEREBY ADOPTED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 9, 2015, eight (8) proposed Home Rule Charter Amendments of the City of Rockwall were approved by a majority of the qualified voters of the municipality who voted at an election held for that purpose; and

WHEREAS, Section 9.005(b) of the Texas Local Government Code requires the City Council to enter an order in the records of the City declaring that the charter amendments were adopted in order for said charter amendments to take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THAT:

SECTION 1. The Charter Amendments adopted by the voters of the City of Rockwall on May 9, 2015, and attached hereto as Exhibit "A", are hereby adopted; and

SECTION 2. The City Secretary is hereby ordered to record this ordinance in the permanent records of the City; and

SECTION 3. This ordinance constitutes an order which meets all of the requirements of Section 9.005(b) of the Texas Local Government Code; and

SECTION 4. Severability: If any portion of this Ordinance shall, for any reason, be declared invalid, the invalidity shall not affect the remaining provisions thereof.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of May, 2015.

ATTEST:

Jim Pruitt, Mayor

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

EXHIBIT A
(to Ordinance #15-___)

PROPOSITION ONE

Sec. 1.04 (3) Revised Charter Language: The City Council will establish a written policy governing extension of City services to all areas. Disannexation procedures ~~are provided in Section 42 of the Local Government code as presently written or hereafter amended. (Amended 1993)~~ shall comply with the applicable provisions of the Texas Local Government Code.

Sec. 3.04 (2) – Revised Charter Language: The Mayor Pro-Tem will be a Council member elected by the City Council at the first regular meeting after each election of Council members and/or Mayor. Should a vacancy occur, the unexpired term will be filled at the next regular council meeting after the occurrence of the vacancy. The Mayor Pro-Tem will act as Mayor during the disability or absence of the Mayor, and in this capacity will have the rights conferred upon the Mayor.

Sec. 3.05 (4) - Revised Charter Language: In the event of a vacancy in the office of the Mayor, the Mayor Pro-Tem must become the Mayor, thereby vacating his Council position. Within thirty days, vacancies in the Council, other than the Mayor, will be filled by a majority vote of the remaining ~~elected~~ members, ~~for the unexpired term only~~ until the next regular City election, and provided the successor will possess all qualifications for the position.

Sec. 3.08 (1) - Revised Charter Language: The City Council will hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council will fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council will be held at the call of the Mayor, City Manager or a majority of the Council members upon provision of public notice in accordance with state law.

Sec 3.11 (3) - Revised Charter Language: A proposed ordinance, except as related to an emergency, budget, tax, public utility rate setting, calling for an election to issue bonds, a public security authorization or State or Federal requirement, must be read at two City Council meetings with at least one week between readings.

Sec. 4.02 (2) – Revised Charter Language to add to Section 4.02 (2):

- (h) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.

Sec. 4.04 (6) - Revised Charter Language: The City Attorney may be removed by a majority vote of the ~~elected~~ City Council.

Sec. 5.02 (f) - of the City Charter shall be DELETED in order to comply with newly adopted state law.

~~“No employee of the City will continue in such position after filing for an elective office provided for in this Charter.”~~

Sec. 7.15 (1) – Revised Charter Language: “The City Council may by ordinance, give the City Manager general authority to procure and contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by the Council and the procurement conducted in accordance with state law.” All contracts for expenditures involving more than the set

limits must be expressly approved in advance by the Council. All contracts or purchases involving more than the limits set by the Council must be let to the lowest bidder whose submittal is among those responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The City Council, or City Manager ~~in such cases as he/she is authorized to contract for the City,~~ will have the right to reject any and all bids.

Sec. 7.16 (3) – Revised Charter Language: This prohibition will not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ~~ordinance~~ City Council.

Sec. 7.18 – Revised Charter Language: At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council must call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than ~~five~~ four consecutive annual audits must be completed by the same firm. The certified public accountant selected must have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the Auditor's recommendations will be made to the City Council. Upon completion of the audit, the ~~summary must be published~~ complete audit and summary must be immediately posted on the City's website ~~in the newspaper of record of the City~~ and copies of the audit placed on file in the City Secretary's office as a public record.

Sec. 11.13 (g) – Revised Charter Language: "Employee" will refer to any person who is employed and paid a salary by the City including those individuals on a part-time basis, but does not include City Council members, uncompensated volunteers or independent contractors ~~or members of the volunteer fire department.~~

Sec. 11.16 – This section shall be deleted in its entirety since the original Charter has been adopted and this transitional language has become obsolete.

PROPOSITION TWO

Sec. 3.06 (b) - Revised Charter Language: Appoint and remove the Municipal Judge and Associate City Judge(s).

Sec. 4.03 (3) - Revised Charter Language: ~~In the event of failure of the City Judge to perform his duties, the Mayor must act in his place and stead (and in the event of a vacancy, until a City Judge is appointed by the Council to fill the vacancy). If the Mayor acts as a City Judge, he/she must be compensated at the same salary, if any, as the City Judge for whom he/she is acting~~ The City Council may also appoint Associate City Judge(s) that meet the same qualifications as the City Judge of the Municipal Court who will work in the absence of the City Judge. Associate City Judge(s) will be appointed to a term of two years and may be appointed to additional consecutive terms upon completion of their term of office. The appointment of Associate City Judge(s) may be terminated by the City Council. The Associate City Judge(s) will receive compensation as may be determined by the City Council.

PROPOSITION THREE

Sec. 5.04 (3) - Revised Charter Language: (3) Each newly elected person to the City Council shall be inducted into office at the first City Council meeting following the official canvassing of the election. At such meeting, the oath shall be administered in accordance with state law

PROPOSITION FOUR

Sec. 6.07 (1) - Revised Charter Language: Within ~~ten~~ twenty-one days after the petition is presented, the City Secretary must complete a certificate of sufficiency or insufficiency. Sufficiency must be determined by compliance with this Article.

PROPOSITION FIVE

Sec. 7.02 - Revised Charter Language: On or before the ~~first~~ fifteenth day of the eleventh month of the fiscal year, the City Manager must submit to the Council a budget for the ensuing fiscal year and an accompanying message

PROPOSITION SIX

Sec. 7.06 - Revised Charter Language: After public hearing, the Council must analyze the budget, making any additions or deletions which they feel appropriate, and must ~~, at least ten days prior to the beginning of the next fiscal year,~~ adopt the budget prior to the beginning of the next fiscal year by a favorable majority vote of the full membership of the Council. Should the City Council take no final action on or prior to such day, the current budget must be in force on a month to month basis until a new budget is adopted.

PROPOSITION SEVEN

Sec. 8.01 (5) – Revised Charter Language: Any member of any City board, commission or committee who is absent from three consecutive regular meetings without explanation acceptable to ~~the City Council a majority of the other members,~~ shall ~~must~~ forfeit his position on the board, commission or committee and be removed by the City Council.

PROPOSITION EIGHT

Revised Charter Language:

Sec. 11.16 Disaster Clause

In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City elected official, if no elected official remains, within twenty-four (24) hours of such disaster, the City Manager shall appoint a Council to act during the emergency and call a City election as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet. If City Manager is not available due to death or injury, the County Judge of Rockwall County shall appoint a Council to act during the emergency and call a City election as provided in the Texas Election Code, for election of a required quorum

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