



**AGENDA
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 13, 2024
1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

A MEMBER OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM MAY PARTICIPATE REMOTELY IN THIS MEETING OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM BY MEANS OF AUDIO FEED OF THE MEMBER'S PARTICIPATION, TO BE BROADCAST LIVE AT THE MEETING. GOV'T 551.127(A-1) PURSUANT TO GOV'T CODE 551.127€, A QUORUM OF THE GOVERNMENTAL BODY WILL BE PHYSICALLY PRESENT AND THE MEMBER OF THE GOVERNMENTAL BODY PRESIDING OVER THE MEETING WILL BE PRESENT AT MCLENDON-CHISHOLM, TEXAS.

Page

1. CALL TO ORDER
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS
3. RULES OF DECORUM
4. PROCLAMATION
 - 4.1. Courtney J. Miller
5. CITIZEN COMMENTS
6. CONSENT AGENDA
 - 6.1. Consider approval of the minutes of the December 12, 2023, City Council Meeting 5 - 55
[Minutes of December 12, 2023](#)
 - 6.2. Consider approval of the minutes of the January 9, 2024 City Council Meeting 56 - 73
[Minutes of January 9, 2024](#)
 - 6.3. Consider approval of the minutes of the January 23, 2024 City Council Meeting 74 - 94
[Minutes of January 23, 2024](#)
 - 6.4. Consider approval of the minutes of the January 27, 2024 City Council/Planning & Zoning Commission Special Workshop 95 - 99
[Minutes of January 27, 2024](#)

- 6.5. Consider approval of an Ordinance amending the Comprehensive Zoning Ordinance and zoning map by granting a change in zoning district from AG Agriculture to a PD Planned Development Zoning District (Legacy Park Estates) 100 - 106

[Ordinance 2024-02](#)

7. ITEMS FOR CONSIDERATION AND ACTION

- 7.1. Discussion and approval of a Mutual Aid Agreement entered into by/between and among Rockwall County, Texas ("County") and the following incorporated Cities: Rockwall, Heath, Royse City, Fate, McLendon-Chisholm, and Rowlett ("the Cities"). (Requested by Chief Simmons) 107 - 115

[Mutual Aid Agreement Fire/EMS](#)

- 7.2. Discuss/Action - Placing the following ballot language on a Special Election to be held May 4, 2024. "The repeal of sales and use tax within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked for public safety and/or economic development and/or streets/roads. (Requested by City Administrator Hildebrandt) 116 - 119

[Ord 2012-06 Results 2012 Sales Tax Election](#)
[Staff Report](#)

- 7.3. An ordinance approving the order of a special election for the purpose of determining whether or not to repeal the sales and use tax within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked for public safety and/or economic develop and or streets/roads. 120 - 125

[Ordinance 2024-01 Ordering Special Election-English](#)
[Order of Special Election-English](#)
[Ordinance 2024-01 Ordering Special Election-Spanish](#)
[Order of Special Election-Spanish](#)

- 7.4. Discuss Inframark's Update on CWD Billing Transition (Requested by Mayor Pro Tem Balkum)

- 7.5. Zoning Ordinance Update (Planning/Zoning Commission Responsible) on timely reports and recommendations to better address the needs of the City. (Requested by Mayor Pro Tem Balkum)

[Staff Report](#)

- 7.6. Discussion and action for Application Changes by the City Staff for the planning department to add language on applications stating that developers must be able to provide they will be able to provide potable water and sufficient to meet our fire code standards for fighting fires. (Requested by Mayor Pro Tem Balkum)

- 7.7. Discussion and action for the Planning & Zoning Commission to review zoning improvements. (Requested by Mayor Pro Tem Balkum) 126 - 127

[Staff Report](#)

- 7.8. Discussion and action for the City Council to seek out vendors through RFPs to draft a strategic plan using the action items within the comprehensive plan as the basis. (Requested by Mayor Pro Tem Balkum)
- 7.9. Review/Action - Performance Appraisal - City Secretary (Requested by Mayor Pro Tem Balkum)
- 7.10. Review/Action - Performance Appraisal - City Administrator
- 7.11. Discuss and approve a requirement that updates on all issues related to Water and RCH acquisition be provided to Council at all regularly scheduled meetings. Public or Executive Session discussions shall meet this mandatory requirement. (Requested by Council Member Tucker)
- 7.12. Water Update of the City's current Public Utility Commission (PUC) application. (Requested by Mayor Pro Tem Balkum)

8. EXECUTIVE SESSION

- 8.1. Adjourn into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.074(a)(1) Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Administrator; City Secretary
- 8.2. Adjourn into Executive (closed meeting) in accordance with Texas Government Code: Section 551.071 Consultation with Attorney: Discuss the status of the City's current PUC application as it relates to RCH, it's system, and any other PUC application-related issue.
- 8.3. Reconvene Regular Meeting
- 8.4. Executive Session Action

9. UPDATES, DISCUSSION AND DIRECTION TO STAFF

10. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

The City Council will have an opportunity to address items of community interest including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

- 10.1. Mayor Short
- 10.2. Mayor Pro Tem Balkum
- 10.3. Council Member Tucker

- 10.4. Council Member Day
- 10.5. Council Member McLendon
- 10.6. Council Member McNeal
- 11. ADJOURN

The City Council for the City of McLendon-Chisholm, Texas, reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.961 - Consultation with Attorney; §551.072 - Real Property; §551.073 - Prospective Gifts; §551.074 - Personnel Matters; §551.076 - Security Devices; §551.086 - Utility Competitive Matters; and, §551.087 - Economic Development Negotiation.

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., February 9, 2024 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**CITY COUNCIL MEETING
CITY OF MCLENDON-CHISHOLM, TEXAS
MEETING MINUTES
DECEMBER 12, 2023**

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, December 12, 2023, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Adrienne Balkum	Mayor Pro Tem
	Jennifer Hoffman	Council Member
	Bryan McNeal	Council Member
	Floyd McLendon, Jr.	Council Member
	Daniel Tucker	Council Member
ABSENT:	Keith Short	Mayor
Staff Present:	Konrad Hildebrandt	City Administrator
	Shelly Green	City Secretary
	Asa Woodberry	City Planner
	Michael Halla	City Attorney
	Mike Coker	City Planner

1. CALL TO ORDER

Mayor Pro Tem Balkum called the meeting to order at 6:32 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Council Member Tucker delivered the invocation and Council Member McLendon led the pledge of allegiance to the U.S. and Texas Flags.

3. RULES OF DECORUM

Mayor Pro Tem Balkum announced the Rules of Decorum are in effect and are to be observed throughout the meeting.

4. PROCLAMATION

4.1. Jim Parks, Former Executive Director for NTMWD

Mayor Pro Tem Balkum recognized the Jim Parks for his service with the North Texas Municipal Water District with the following proclamation:

Proclamation
James M. (Jim) Parks

WHEREAS, James M. (Jim) Parks began his tenure with the NTMWD on January 29, 1979 and served the NTMWD continuously until his retirement on April 30, 2014; and

WHEREAS, Jim Parks became Executive Director/General Manager of the NTMWD and was responsible for all aspects of the management, planning, operation and maintenance of NTMWD's water, wastewater and solid waste systems since May 1998; and, has worked closely with the member cities, customers, and other constituents to ensure that new facilities and resources are strategically placed into service as the service area continues to expand; and,

WHEREAS, throughout his 35 years of service with the NTMWD, Jim Parks has been instrumental in developing, maintaining, and executing long-range plans in the water, wastewater, and solid waste systems, resulting in millions of dollars of operating efficiencies for the benefit of the ratepayers of the NTMWD.

WHEREAS, critical to the operation of the NTMWD, Jim Parks provided significant contribution to the development of new water supplies to meet the region's projected long-term demand; and,

WHEREAS, Jim Parks has been instrumental in promoting the state's water conservation program; Jim Parks' public service is commended for being a visionary leader in the water industry, water planning, and water reuse, all while balancing the environmental water needs at a local, regional, and statewide level; and,

WHEREAS, he also served on the State of Texas Regional Water Planning Group for 14 years.

NOW, THEREFORE, I, KEITH SHORT, MAYOR OF McLENDON-CHISHOLM, RECOGNIZE JAMES M. PARKS FOR HIS DISTINGUISHED SERVICE OF 14 YEARS AS CHAIRMAN.

5. CITIZEN COMMENTS

James H Adcox, 654 English Rd., Rockwall. This is our third time here protesting and asking you not to vote for the mini storage unit in our neighborhood. So, my family's invested pretty heavy in this community. I also own that corner that is on the exact corner of League and 205. This project will definitely affect my property. I want to tell you that I come from a background of farmers and it's in my blood. But I've also run three \$700 million companies. I've raised over 200,000 for our community in El Paso, Texas, when I was president of Transmount Optimus Club, and I've helped develop a couple of developments here locally.

Robert Kanuth, 908 Chelsea Ct., McLendon-Chisholm. I was here last time we talked about 7.2 and I had some comments on it. I've lived here for about ten years, and I have coached probably 30 different sports teams, boys and girls, pretty much every sport that they play here in Texas. One common problem that they all have is an extreme lack of practice space, whether it's basketball, soccer, volleyball. Local fields are absolutely essential and it's something we don't have in McLendon-Chisholm at all. In Rockwall County isn't near enough capacity. I've spent a ton of time carpooling and driving back and forth to Plano to practice and it's not necessary. There's a plan on the table that allows for building of a bunch of really, really great practice facilities here in town that complies with the long-term plan, with the dark skies initiative, with all of that. It pays for itself with kind of a pre-lease letter Solar Soccer Club, which some of y'all may not know what that is, but both of my kids played soccer and a quick internet search will tell you they have about 125,000 players in Texas who play for that club. It's not a little bitty club. So when they commit to spending, I think, hundreds of thousands of dollars to rent the fields over a period of time, that's not a joke it's something they do and something that needs more of, more field space. My son plays at the high school here in town, there's probably 30 kids on there that play for that club, so there's plenty of people or plenty of need for that here. The tax revenue that they talked about in their presentation was roughly ten times the size of other residential developments. We need that tax money. We need that to pay for our services, for everything that all of our residents need. I don't have a lot more, just to go over, just it complies with the comprehensive plan for the City of McLendon-Chisholm. It provides the very first park fields and public space in McLendon-Chisholm. It pays for its own self in maintenance just with field rentals that again are already pre-negotiated. It increases tax and it is planned to be administered by some members of our community who've built probably half the standing structures in this town and have a vested interest in it coming out really nice and following the plan exactly. I mean if you already live here, then you already love the stuff they've done. It'd be silly not to let them build this facility here in our town. It's going to benefit the whole community. Not my kids, my kids are too old for that, so I'm not speaking from a personal perspective. You know it won't be done by the time my kids are in college and gone. But every family person here in town would love some more fields.

Judy Moss, 525 League Road, McLendon-Chisholm. I have lived at 525 League Road, which is agriculture land. My husband was on the council many years ago and I understand the desire for you to serve your community. In fact, the plaque on the wall above you was presented to the city in his memory. As he placed his hand on his bible, he took an oath to **represent and protect the interests of the citizens** of McLendon-Chisholm. I'm sure you did the same, and **now is your chance** to do just that.

Now, **I'm trying to understand** why would you even consider having something as distasteful as a mini warehouse built at the entrance to our neighborhood? Or at the entrance to your neighborhood? In fact, there is no reason a warehouse should be allowed **anywhere** in McLendon-Chisholm. Is it all about the money?

Read the wording of the request carefully. It is an attempt to **expand commercial property into a residential area** and it is completely unacceptable. If you approve this, you will be **setting a precedence** for more unwanted businesses to enter. **More requests for commercial property located inside other neighborhoods** will follow. Other outside people will know that the **values of McLendon-Chisholm are low. Now is your chance to prove them wrong.**

If you allow this to pass, you will be **contributing to the destruction of our city values**. It will only be the start. **This will be a small hole in the dike. It won't take long before the dike crumbles.**

I'm trying to understand – if you have heard us quote from the Comprehensive Plan? We wanted you to be reminded of what all the residents want. Not just us. I'm sure the citizens who devoted hours and hours on the wording of the Plan wanted the desires of the people of McLendon-Chisholm to be respected. We know the plan isn't law, but a guide to help you make decisions that protect the citizens of MC. **Don't ignore it. Don't make a decision that will impact our community for decades, without very careful consideration.** Don't vote on personalities or because of who you like or don't like. Vote on what is best for our community, and for goodness sales, don't vote for the money!

Here's the answer to the money. Desirable businesses should be encouraged to locate in McLendon-Chisholm in order to bring in the needed revenue for the city's tax base. Would you be proud to show a mini-warehouse as one of those "desirable" businesses when you are promoting our city? I think not. I can't see it listed on a city brochure. It can't even be hidden behind a wall and shrubs! But, we will see it every day.

I'm trying to understand why would you consider this rezoning change request, since there is such strong opposition? Have you read the request carefully? Does Mr. Webb really want just one 5-acre mini-warehouse parcel? Or does he want the ability to expand the commercial property into all 20 acres? I heard only a few questions about his request – how many units, what would be front and wall look like. I would think you would have many more questions about the actual warehouse itself, who will manage it, watch for contents being unloaded, does the water drain off onto the property of others, the list goes on and on.

Now is your chance – to be **smart, not greedy**, to come together as one body, to make a decision that respects the citizens of McLendon-Chisholm. Do not allow personal biases with each other come between you and your decision to do what is right for MC

Now is your chance – to prove you will put **residents over revenue**. Along with what Mr. Webb is promising you as income from his warehouse, comes your ability to make a smart decision.

If you allow this, it will be remembered as one of the most disastrous decisions ever made. And it will be made during the time you spent on the city council of McLendon-Chisholm. That you chose the way of an outsider who made financial promises to the city and you did not choose the desires of the people. I encourage each of you to examine your motives and the moves of the ones who are advising you. Don't let the shiny object of money influence you. There are other avenues for income. Choose your integrity.

By the way, Mr. McNeal, who are all those people you talk to who want the warehouse? Bringing their "stuff" to our neighborhood. Providing a service for other parts of McLendon-Chisholm. You don't care about us. You don't return calls or respond to emails.

Threatening us with a code enforcement officer! Insulting!

Mary Strauss, 501 League Rd., Rockwall. I have lived at 501 League Road for 18 years. My friends and neighbors of the League Road community are here to voice our opposition to the zoning request for storage units on our street. We are also, once more, very grateful for this opportunity to share our joint efforts regarding this matter. And we trust that you who represent us will hear and understand our concerns. During the course of the previous meeting, we presented the numerous ways in which this zoning request does not align with the comprehensive plan for our city. On this note, we are all fully aware that the comprehensive plan is only a guideline. But given that, it is most obvious that storage facilities do not meet the given guidelines for our city. It is also come to our attention that when McLendon and Chisholm incorporated in 1969, mini warehouses were not a consideration for our city either. I am certain that their reasons were as warranted and legitimate as ours. Here we are 54 years later facing this unwanted zoning request with multiple grounds and reasons as to why this would be a disastrous decision for our community. A simple Google search regarding crime associated with storage units in the Dallas-Fort Worth vicinity should be in itself ample reason to prove why storage units would leave our safe community vulnerable to criminal activity. I intend to read some of the overwhelming information found within my search, but first, however, I want to call to everyone's attention two horrendous situations that involve storage units which occurred way too close to our city. In 2013, three murders in Kaufman County resulted in the arrest of a person who used a storage unit to contain his weapons and vehicle that he used to commit these atrocious crimes. You can read the details in the account of this horrible incident which is called the Killings in Kaufman which is easily found within the Dallas observer.com. In December 2021, the Rockwall Police Department had to call in the Garland explosive disposal unit to assist with an arsenal of military-grade weapons that were stored in an abandoned storage unit. It took the mass efforts of local, federal, and military personnel to ensure the safety of community. This should shed enough light upon the seriousness and safety issues that are associated with commercial storage buildings. If these two examples were not quite enough, I will continue reading some of the further results of my research.

Ms. Strauss read a few additional samples of the danger of mini-storage units.

Now, I have to ask each of you with all due respect, do the interests of those who did not live in our city and request zoning that could potentially involve criminal activity and allow our residents to become vulnerable to dangerous situations outweigh the safety of the citizens that you represent. Please deny this zoning request with prejudice. The residents of League Road and the citizens of McLendon-Chisholm do not need to be exposed to the crime associated with commercial storage buildings. Thank you very much.

Linda Fite, 1150 Frontier Trail, McLendon-Chisholm. I've lived here for about 20 years in McLendon-Chisholm, and I live right there by Frontier Road and League Road. I agree with my neighbors when we say the mini storage facility just doesn't fit in our neighborhood. It's an agricultural neighborhood with homes with residents. We don't need the additional lighting, the theft that comes with a mini storage. I don't have anything against Mini Storages if they are in the appropriate location and that's not in the neighborhood with children and you go right down the street you go into Sonoma Verde that has tons of families in there. It's not just one little area. You're opening that up to all of our areas and your right down League to Edwards right to all the homes that are down in there. It's going to be a lot different than what people expect just because what you hear in the newspapers. So I just ask all of you to think about the full impact of allowing this to be in a neighborhood. You're going, if it passes, it will be regretted in the future. I have no

doubt in my mind about that. So, I ask you to please deny this request for all of our families that really count on you and voted for you, to take good care of us. Thank you.

Lorna Kipphut, 31 Fireside, McLendon-Chisholm. I stand before you today with great reluctance. I don't feel comfortable standing up here and talking to you about something that to me is so intuitive. The last place I want to be is standing here with a heavy heart and seeing the direction the city is going with the potential passing of Items 7.1 and 7.2. A storage facility right in the middle of the City of McLendon-Chisholm, I personally don't understand it. And I don't understand it from the policy and procedure standpoint. Policies and procedures run government from the municipal level to the federal level. This storage issues, there are so many exceptions to policies to make this work that I don't see the sense in it. You have a comprehensive plan that won't be followed, you have to do a planned development, you have to grant an SUP, you have to change an ordinance. Exceptions to policy are a slippery slope. You grant one, you have no hearsay when this issue comes before you again. Remember, Mr. Webb bought this property with the knowledge he was going to be outside of our zoning policies and procedures. The comprehensive plan was in place and signed before he bought this land. I just don't understand why this is such an issue when we have policies and procedures in place to not let this happen. In reference to issue 7.2, I'm not even going to go into the fact about the ball fields and the density. One thing I would like Councilmember Hoffman to think about, I urge you to recuse yourself from any discussion or vote on Legacy Park. To recuse oneself in broad terms is to remove yourself from participation to avoid a conflict of interest. You're a real estate broker. You and your company have the potential to greatly benefit from this planned development for decades. Each real estate transaction one of your team members does will net you about tens of thousands of dollars. With over 300 homes in Legacy Park, your potential opportunity is huge. I'm not saying you're going to do that; I'm just saying keep yourself, your professional and personal integrity intact and the integrity of this council and recuse yourself from this discussion. Thank you.

David Black, 1419 Siena Ln., McLendon-Chisholm. This is citizens comments for Agenda Item 7.2, a request by Oak National Development to change the existing planned development district zoning.

The primary concern is the Developer's plan that includes many times more residential units than should be in the Heritage Center, and even higher if treated like a Master Planned Community. The key complaint is the lot size. This is not about reconfiguring the kind of City Park offered by the developer. That is the shiny object, not the big concern. This is about a long-held core value of McLendon-Chisholm residents. It is also an important draw to our town. In the 1960's the founders saw development coming and wished to protect their community. They incorporated into a town in 1969. Even back then something like the phrase "open spaces and rural atmosphere" was cited. Today that is often used as a reason people give as to why they moved here.

To protect that, we have set a minimum lot size per residential unit for the new neighborhoods in the city limits. It's an efficient way to mitigate the rate of increasing street to our infrastructure. It gives us a high quality of life and sense of well-being. Understandably, this is not the primary motivation of Developers. We rely on our Planning and Zoning Commission, our City Council and Mayor to protect the city. They have shown they can work with Developers, so it is hoped this will continue.

Regarding the McLendon-Chisholm Comprehensive Plan 2021-2040, approved September 29, 2021, there are many places that specify the minimum lot size of one acre, but page 39 has this

note: “Important note regarding residential densities and lots sizes”. It clarifies lot sizes since, as I recall, there was some confusion and I think this was the writing team’s way to specify the difference. I think they did a good job, and it helps.

The minimum lot size of 1 acre is tied to Master Planned Community and is “Intended to be the majority of new development in McLendon-Chisholm in predominantly residential areas.” Us citizens refer to that number a lot.

But that standard is not applicable to the Heritage Center area, on which the property is located. The description for the Heritage Center (and SH 205 Corridor and Neighborhood Mixed-Use) is a looser standard of maximum density of one dwelling unit per acre and is “Designed for areas of low intensity commercial or mixed-use development to provide very limited residential uses in a commercial-type context.”

Yet even the looser standard is not met by the Developer’s proposal. Given the standard is “exclusive of floodplains and rights-of-way. The developer proposes a density more than twice that in their plan for 335 units.

So, it is true that this would permit residential lots smaller than 1 acre in the Heritage Center. I recall discussions of these implications during the citizens’ participation in development of the Comprehensive Plan. It was a compromise.

As an aside, the Plan includes Short-Term Action items to be complete within 3 years; there is 1 year to go. Completing some of these could be useful to support working with Developers. Perhaps some of the more important ones could be completed sooner than later.

Now here is something I’m a little confused about on this issue. I see that part of the City Planner’s argument in the November 14th meeting to approve the zoning change (with conditions only for the park, not for residences), included this text: “Desired Development Characteristics: [These characteristics are not required, but desired]”

He made note of the above quoted in his discussion. You can see this in today’s agenda packet on page 180 of 242 pages. Apparently, this is from the Comprehensive Plan, (also see page 179 of 242). However, I can find no draft or copy that includes the text in brackets, “[These characteristics are not required, but desired]”

The section on the Heritage Center to which the city Planner seems to reference is on page 41 of the Comprehensive Plan, approved September 29, 2021.

Mr. Black’s time expired at this point, but the following is from the script he provided to the City Secretary.

It seems the City Planner’s argument was that a “Anticipated Land uses” is like requirements and “Desired Development Characteristics” is optional and not requirements. If this is his interpretation, it is a strange one. First is about general use and second is about specific characteristics. I think the “Desired” could imply some flexibility and maybe seems optional. But again, on page 39 of the Comprehensive Plan the authors did a good job to clarify lot sizes in the note “Important note regarding residential densities and lot sizes.”

Please see the list of people that participated in the Comprehensive Plan. They and many citizens worked hard for this plan. I believe we will have a better community for it.

Will you please vote against the zoning change? Please work with the Developer and meet the City's needs, especially in reducing the number of residential lots on the site.

Crystal Shaklee, 1525 Firenza Ct., McLendon-Chisholm. I'm here to talk about 7.2. I am for it and I am coming from a sports mom perspective. I think Legacy Park provides something that our community lacks overall. As a mom who frequently has to drive her child, who now does drive so that's a beautiful thing, but for many many years we've driven across the bridge to Plano, Allen. And because we lack lacrosse fields, we constantly, as lacrosse moms, we constantly battle the school district schedule for their fields, which they should have number one priority of their own fields, but we battle that. We have a hard time hosting because they have, you go to Plano, they've got facilities all over the place. Frisco's got facilities to incorporate their kids in all the sports. Their programs are bigger than ours because they can facilitate the growth and they can facilitate places for their children to grow in their programs. We have a very hard time overall growing our program in Rockwall and a lot of it has to come down to the facilities that we are provided in Rockwall. Just driving through Waxahachie the other night, they have a big huge park with a bunch of fields and whatnot. So, we have all these small towns that have all these great facilities for all of our young families coming in and we have to support the growth for our kids and for our families. We are constantly driving to Plano, Allen, Melissa, all over the place so we can play sports, whether it be for soccer, whether it be for basketball, whether it be for lacrosse. But there are a lot of families that are driving lots of miles because we don't have the facilities here in Rockwall to facilitate the growth that we have and you have a lot of talent in this area and I think it would be great for our city to support and to make sure that we have those facilities as we continue to grow and I've always thought it's something that our area lacked overall was having a sports complex. So, I am for 7.2. I hope you vote yes for it.

Chris Dorward, 236 Harvest Ridge, McLendon-Chisholm. First of all, thank you for allowing us to speak. Thank you for letting the civil process go as it is planned. I am speaking on behalf and for 7.2. I am friends with people that are for it, I am friends with people that are against it. I'm here speaking as somebody who was on the comprehensive plan committee and I'm going off what I was told while I was on that plan. I'm also going to talk about the children, my children. I have a six-year-old and I have a ten-year-old. My children would benefit from this. My six-year-old starts lacrosse next year. I don't want to be driving from Plano and Allen. I'm a retired Dallas police officer like several people that will speak on this as well. We don't cross the bridge unless we have to, we want to stay here as much as possible. If we can practice here and go play there, that's fine. That saves us another trip across the bridge. But we love our community. We live here for a reason. I've lived here since 2008 in Rockwall County. I've lived in McLendon-Chisholm since 2014. I have built a business here. I do everything I can to support this community, just like being on the comprehensive plan. When I was asked, I jumped on it with no hesitation. With that being said, the comprehensive plan, the way it was presented to us on the one acre lots, we spent hours and hours talking about the one acre lots. We spent hours and hours talking about commercial zoning and where things are going to go. We spent hours talking about the Heritage Center and what should be done with it. What was told to us was that this area here is the city center. If this city center is surrounded by acre lots, it you can find me another city where their city

hall is totally surrounded by acre lot homes, I'd like to see it, They're just not out there. I don't see our city as just a city hall and acre lot homes, although the homes will be beautiful, they're offering to give us a park that allows us to play. They're giving us a park that will be going down to our kids and our grandkids and they'll be allowed to play in it. While we were there, I shook the hand of everybody that came through this door. They came through and we had signs set up all over the place. The one thing they wanted to preserve was the rural feel. The second thing they wanted was places for their kids to go play. They want somewhere to go and let their kids play There was a lady who came in with a stroller and they were all little babies and those are the kids we're here today talking about because they are probably three, four, five years old and when those parks will be done, they'll be ready to play on them. They need somewhere to go. They have done what they can to present different options, they've answered the city's questions, they've answered the questions of people in the audience. They've made changes to their plans, they've added basketball courts, they've added what the city has asked for. They weren't presented with a clear picture of what the city wants other than less density. So, I'm here to support them. I'm here as somebody that was on the comprehensive plan that was told that acre lots could be sacrificed if it was the right opportunity for the city. This not only gives the city more revenue from the sewage line taps, it's the water is not RCH, the water is Highpoint water. They're talking about adding a water tower to the same property as well. That solves a lot of problems. It also pays from the fire department that another third of the people didn't want what came through these doors. A third didn't want the fire department, I'm pretty happy to have a fire department. So, with that, thank you very much.

Mike Hatcher, 141 Hwy. 205, McLendon-Chisholm. Good evening ladies and gentlemen of the council. First of all, thank you for volunteering your time, I know it's hard to sit up here and listen to people complaining and you know that's what we do. The biggest reason I'm here is just frustration. We just repeatedly seem to not be able to get along. We can't be cohesive. On this docket we have two unanimous votes by P&Z for denial and then here they are with our city planner recommended to approve it against the spirit of the comprehensive plan as well as what our own P&Z recommended. The misinformation and confusing explanations, what appear to be double talk have directly influenced decisions in both P&Z and city council that quite franklin spits in the face of the desires of our citizens and the spirit of our comprehensive plan. I know we're playing the legal ease. If there's one place that a representative republic government, our forefather's design and that several of you so proudly went and defended, should be evident it's in our local municipality, like McLendon-Chisholm. We're a small community and if we can't get representation here, where are we going to get it. Unfortunately, this just seems to be another deal of non-elected officials are making decisions for the citizens. Item 7.1 didn't meet current zoning requirements, didn't meet future land use with the comprehensive plan. More importantly, go along with what the citizens of McLendon-Chisholm were lobbying for. At one point in the last city council meeting, Mr. Webb says he met with Mr. Coker before he even purchased the land, who advised him on how to go about the process to reach his goals for the project. It's rather peculiar to me why the conversation was not about how his plans did not meet the current or future standards. The highly contentious lot one was barely, and I mean barely, in the current GB and even that we haven't seen a survey, so we don't really know if it even meets the 100 foot width minimum to meet GB, we don't even know this, but going to make a decision without that information. According to the current standards. Once the road is expanded, which we all see utilities getting moved, we know it's coming, there's no way it meets because you're at center that road is going to move minimum 40 feet which will almost take all of his property out of the GB as well as circumvent the guidelines that are required for a mini warehouse. A mini warehouse in McLendon-Chisholm requires an SUP unless you play the little shell game of, well, let's present

a PD and then we'll talk about it. Well, mini warehouse requires the SUP unless you do it in a PD. I don't think that was presented very clearly. But even through all that, P&Z unanimously recommended non approval and whatever happened last council, I don't know what the deal is. Somehow three people voted to approve it. I don't know with the whole super majority, what's real, what's not. Item 7.2 is another example of the situation where P&Z unanimously recommended denying approval and Mr. Coker recommended approval. It's not a coincidence this is the same family. Above that, has also developed several neighborhoods in MC which all meet the standards set forth within the comp plan. This project is another high density as others in the ETJ like Trilogy that have all passed recently with one major exception, you guys have control. This is in your city limits. When it's ETJ it's the wild west. You know you're very handicapped on what you can do. In here you have the power because it's in your city limits. You have the power because you own the city sewer and Municipal Code 211 gives you some vague rules. He is quoted in the minutes from P&Z on October 25th saying the comp plan desires one acre lots, it's not that requires one acre lots. He even goes on to state we have historically allowed this when off-site sewer was present so we should allow it. The historically allowed use he was referring to is Sonoma Verde which was approved 15 years before the comprehensive plan. It's a long time, things changed. And one of the reasons the city moved forward with implementing a comp plan, this along with many other instances is trying to use legal maneuvering to sidestep the comp plan and in my opinion is completely disrespectful to us as citizens of McLendon-Chisholm took the time to attend meetings, fill out surveys, communicate with their elected officials of what they desire for their City. You know that we heard Chris talk about, you know, the way it was presented. The way I understood it, and most of the other citizens, it's one acre. So, if it wasn't communicated effectively, then we need to come back together, talk about it, amend our comp plan and address it from there. Item 7.3, it's another example of, quite frankly in my opinion, the inaptitude of Mr. Coker. In this instance he is refusing to listen to anyone. I've presented before on MFS group's other developments on April 19th and showed what this group brings to the area where they do business. This development is at the center focal point of our great city and must be held to the McLendon-Chisholm standards, not some outside developers' best interest, but rather ours. I'm fairly sure several issues are here, not to mention the fire lane, which our fire marshal didn't go over, that's quite just so you know, you know he didn't review down there at Kingston Park, and we had some recent issues there I'm sure you all are aware of. One of the biggest hang-ups you know with this repeated deal is like on this particular property, MFS group has no legal rights to the land that they're wanting to park off of and loading zone off of and do all this. Brookshires company has legal rights to that. Every step of the way with MFS group has said we need a evidential report from TxDOT showing that these deals are approved. So I'll wrap up with saying that's why in this meeting, P&P last week recommended a work session. I recommend everybody get together. Let's get the new planning city guy up to speed who works for the city, not getting paid by developers. Let's send Mr. Coker home. I mean quite frankly, let's get somebody that represents the City of McLendon-Chisholm.

James Adcox, 212 Adcox Ln., McLendon-Chisholm. Once again, we're here to talk about Item 7.1 of the mini-storage facility. The reoccurring theme here with us is we're not opposed to homes being built and developed, we're even willing to compromise on the road frontage for said homes to be developed. Our hangup is and will continue to be the undesirable business that is being proposed for a zoning change, changing the rules tools, special uses, plan developments. All these things like our neighbors talked about, are all a slippery slope for things to change in our city, not for the better. Throughout my research of learning about these mini storage facilities and the things that go on within them. A lot of troubling things that were discussed have come about. Looking

here in the area, there's seven facilities between 550 and 540 on 276 alone. So, I don't feel that this area is underserved for this type of business. It's an appropriate area on a business corridor. There's one that does just pod units, there's two lots that are just for large semi parking, there's a large ten-acre facility being currently built on 276, and there's two brand new ones on 548 at 276 and, as well, in Forney just past the Shell station. One of the things that's talked about a lot with these mini storage units is the potential tax revenue. For me, I wasn't able to get the numbers to pencil in the way that Mr. Webb had presented them. Looking at the actual tax base of the land for the five acres, I'm getting just a fraction of the amount of money he was talking about as for money collected through sales tax. The only taxable income on self-storage is on register vehicles, so cars, boats, motor homes, things of that nature. So, if we're talking about a facility with nine-foot-tall buildings, that doesn't sound like a lot of tall type storage, so how many uncovered parking spots is it going to be for parking. I don't anticipate that Mr. Webb plans on building a parking lot across these five acres, so it would only be a small incidental amount of uncovered lots for car parking. So, we're talking about the city getting roughly \$2.25, give or take, per parking spot on a monthly basis. We're talking less than \$100 and this is what we're willing to sacrifice the ascetics and the integrity of a neighborhood over. The numbers just don't make sense to me. I understand the desire to bring new businesses to the city, it's definitely an integral part of the development of our city and continues to grow is along those lines. My other concern is the integrity of our road. The road itself is already seen substantial damage just from the development within Sonoma Verde. If you've gone down Edwards here recently, there's potholes that span the entire width of the road., some you know several feet deep. Hopefully once the expansion is done within Sonoma Verde, those roads will be repaired by the county. I implore you to take the comments, the concerns, and our repeated efforts into consideration when you go to vote for this. Like I said, we're not opposed to getting new neighbors, it would be wonderful to have more young families in the city. We're just opposed to that one portion of the project. Thank you.

Debra Kelly-McGill, 401 League Rd., McLendon-Chisholm. I first want to thank those of you who voted no for the plan development change from residential to commercial property at the last meeting that I attended. I truly appreciate you looking at the humanistic side of our community. I thank all of the council members for allowing me to speak to you. I thank all of the city council members for, once again allowing me to speak to you regarding the plan development change from residential to commercial property. My main concern is the safety of our community, opening up any type of commercial property on League Road at 205. As a residential community, we are already concerned with traffic conditions being violated with reckless driving, etc. There are school aged children being picked up and dropped off to school and home daily. Buses have difficulty turning onto and exiting League Road. Residents have difficulty turning and exiting onto League Road. Keeping our kids safe is an important key for all children as well as adults in our residential areas. Commercial blocks bring attention to where few people live according to Crimegrade.org. We have few people living on League Road and few people living on Frontier Trail right in the area where the traffic will be coming. Right now, McLendon-Chisholm has an A+ overall crime grade with violence. That is amazing. I have documentation from crimegrade.org. With commercial property being placed right at the entrance of League Road, I can only foresee more problems developing with traffic being an issue, violence and crime becoming a real issue in our community. I plead with you City Council to go back and look at the comprehensive plan dated 2021 to 2024, page 10, letter J Miscellaneous Provisions. I know the comprehensive plan is not law, but it is a guideline that carries heavy weight when it comes to making decisions involving humanistic and business matters. And did you hear me first say that I thank those of you who have voted no? Thank you.

Brian Berry, 4210 Ridge Rd., Ste 201, Heath. I've prepared a statement given the time constraints of citizen comments. I represent my partners this evening as the manager of 3.85 Holdings LLC as well as my business partner and I who will serve as the master developer to a couple of exciting commercial developments that we're looking to bring to the city, one of which is adjacent to the Brookshire site and the hard corner, what you may refer to as the Polani property which is on you agenda tonight. I'm here to express both concern and extreme opposition to a final plat hearing that's being considered on item 7.3 in your packet for the following reasons. Having a number of years of experience myself and serving in your shoes, I understand this process as much or more than most. Specifically, I'm crystal clear that you will be hearing a final plat, not a site plan. But this is your last chance to make the right decision, which is to stop this. I respectfully request item 7.5. be heard in advance of 7.3 as it is extremely pertinent to understand the truth. My first expression of concern and question is why you were only given extremely limited information as it relates to this matter. Mr. Coker, Ms. Green, Mayor, Council, I'm not sure if the issue of information, or more specifically in this case the lack of information was intentional or accidental, perhaps deemed by some to be ministerial. But as all of you know, in advance of this meeting, a hearing at P&Z was required where a recommendation would be made both from the commission and from the staff. Why is that not in your packet? Why is a history of a drive-thru not in your packet? Why is the history of the entire parcel not in your packet? Perhaps while not required, I must represent to you as I will many times, that you, your staff, and the P&Z commission have been accurate information and like to you in many instances and I'm testifying to you that those misrepresentations of the truth have emphatically impacted said positions by many. The applicant, I'll refer to as Mr. Polani or the Polani property, only has access to an easement located on our property if, and I emphasize if, Brookshires ever exercises their right to even build on it. When I refer to building on it, I think we can all agree to assume that I'm referring to a road. Polani is represented on the record more than once differently. He does not have access to easement, period, without Brookshires providing said road, as there's a 0.0% chance that we will. I've personally talked to John Stafford, real estate manager for Brookshires. While he believes that this location is one in which they will pursue. There's not even a timeline on it yet. On 11/21 P&Z made a motion in reference to this road. Will there even be a road period. They will refer it as an emergency services and apparatus accessible. Staff recommendation at P&Z was to approve. They haven't taken this into consideration. It's tied to these spaces via a field. P&Z made a recommendation for approval with contingency. A contingency that states the applicant cannot receive a certificate of occupancy to any building reflected on the site plan until emergency service access is provided. Yet neither you nor the applicant can tell anyone that this road will even exist, only Brookshires can. How can you approve this plat that has 24 spaces being tied to it. Polani testified on the record at the previous P&Z that there's a cost sharing agreement in place for this road. Respectfully, that is an absolute lie and inaccurate statement. If you were to ask any of us landowners surrounding the development to produce that agreement, and feel free to ask for it, you will learn that it doesn't exist. Madame Secretary publicly requested the same from Polani as well as myself. Please ask her to produce it for you. She can't because it doesn't exist. The mayor personally hosted a meeting about this potential agreement with many of the surrounding landowners in this development prior to my time and acquisition of same. I have the emails showing as much. But please, let the record reflect the truth, there was never an agreement executed. A couple of weeks ago when I spoke with John Stafford at Brookshires, he personally acknowledged that it's extremely clear that if they ever chose to execute their right to the easement on our property, that the expense would be his, but they haven't even decided if they'll need that or not. He also stated that he would be the first to agree with me in telling you the same thing, which is that the final plat represents a public safety

myriad of accidents waiting to happen. Polani further testified on the record November 21st that they TxDOT approval for two entrances. Where? Again, it's not accurate. It's not even on the plat that will be in front of you tonight nor the site plan. However, even if they did, then great, produce the same and note that I'm indifferent if they do or do not. But confirm the truth. Mayor Pro Tem Balkum called time and Mr. Berry continued. I've spoke with your regional TxDOT engineer, Mr. Lane Selman, and I've showed him our concept plan, which I will make public with you later in the agenda with you and he's very open to having enhanced entrances on 550, but given the distance from the intersection at 205, you're not going to be able to just do what you want. I'm crystal clear that this isn't a site plan, rather it's a final plat. But the only right thing to do here is to vote against this quote site plan and keep it from happening by not approving this final plat. Thank you for hearing me. It's my utmost desire and intent that you receive these words in the manner in which they were delivered. Before I yield the mic, I again request that item 7.5 on the agenda be heard before 7. Thank you.

Brent Cornish, 250 League Rd., Rockwall. I come before you again to ask you to turn down the request to change 20 acres from SF 2.5 to GB and PD in our League Road neighborhood. This is from the Texas zoning enabling act, according to Chapter 211.006 of the Local Government Code, if a proposed zoning change is protested in writing by the owners of at least 20% of either (a) a requested area, or (b) the 200-foot notification area. Also, in that same (b) the council must approve the request by at least three quarters of the total membership, that's five. We have provided 86% and I believe Shelly passed these out to you earlier today. We have provided 86%, which is 12 out of the 14 signatures needed. There are five members on the city council. Each one represents 20% of the vote. In the previous paragraph about codes, you will need at least four members to vote in favor or rejection of the proposed zoning change. Four members voting the same will give you 80% which is 5% over the 75%. Per section 211.004 of the local government code, compliance with the comprehensive plan (a) zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to (1) lessen congestion in the streets; (2) secure safety from fire panic and other dangers, promote health and general welfare, provide adequate light and air and prevent the overcrowding of the land; and (6) to avoid undue concentration on water, sewers, schools, parks and other public requirements. The important one there is lessen the congestion in the streets. City of McLendon-Chisholm ecode 360 article 4-D Highway 205 distance limitations. Otherwise, unless otherwise established by the specific ordinance of change in zoning, the limit of the general business district when it is located adjacent to State Highway 205 shall be 350 ft. measured from the center line of State Highway 205. The following conditions shall also apply: (1) the limit shall be extended to the property line within 100 ft. of the 100 ft. limit but shall not be less than 350 unless otherwise zoned. This regulation, which is up for interpretation by different people, this applies to the, say Jim Adcox's property, he needs about 50 ft. to search his rear property line, but that does not mean the rest of the additional footage can bring GB to the Webb's property which is already zoned SF 2.5; (2) the limit of the GB District shall be interpreted by the mayor and his or her designee, the zoning official may differ interpretation of the distance to the city council. (I) Site plan requirement (1) applicants of a rezoning to neighborhood commercial district shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning. (J1) the P&Z commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties in the event of conflict between the maintenance of such values and the proposed development. The P&Z and the City Council shall

weigh as equities between the two using the criterion of community service and maintaining the concept of city land use and zoning plan and assessing the position of the proposed development. You really want McLendon-Chisholm to be known as the city that did not follow the guidelines of the comprehensive plan and allows commercial businesses to intrude into existing neighborhoods. Thank you.

Mayor Pro Tem Balkum closed citizen comment at 7:40 p.m.

6. CONSENT AGENDA

- 6.1. Consider approval of the minutes of the October 24, 2023, City Council Meeting
Pulled from Consent Agenda
- 6.2. Consider approval of the minutes of November 14, 2023, Special City Council Meeting –
Pulled from Consent Agenda
- 6.3. Consider approval of the minutes of November 14, 2023, Regular City Council Meeting
- 6.3. Financial Reports
- 6.4. Financial Reports
- 6.5. Fire/Rescue Report
- 6.6. Sheriff's Report
- 6.7. Code Enforcement
- 6.8. All American Dogs
- 6.9. Building Official Report
Pulled from Consent Agenda
- 6.10. Community Waste Disposal

MOTION: APPROVE THE CONSENT AGENDA EXCLUDING 6.1, 6.2, AND 6.9.

MADE BY: Council Member Tucker
SECONDED BY: Council Member McLendon
APPROVAL: Unanimous

Mayor Pro Tem Balkum pointed out on Item 6.1, October 24th does not include what I shared when I presented the notebook so she wants to be able to go ahead and write that out and just send it to you through email so it will be just easier for you.

On 6.2, November 14th, it's just a minor change regarding Mayor Short was not present and that it was her that opened the meeting and so just change out Mayor Short to her. He just wasn't in attendance.

She has a question on 6.9 Building Report. It needs to have addresses and the subject of the report. It wasn't included in this one so I'm just wondering if that's like an administrative step that we just didn't catch. Konrad, is that something you can speak on. Put July-September reports back on the January agenda with additional information so they can approve that.

MOTION: BRING BACK ITEM 6.1 TO THE JANUARY AGENDA WITH THE INCLUSION OF THE TRANSCRIPT FOR THE NOTEBOOK CONVERSATION FOR MINUTES ON OCTOBER 24, 2023

MADE BY: Council Member Tucker
SECONDED BY: Council Member Hoffman
APPROVAL: Unanimous

MOTION: APPROVE ITEM 6.2. WITH CLERICAL CORRECTION

MADE BY: Council Member Tucker
SECONDED: Council Member Hoffman
APPROVAL: Unanimous

Staff directed to pick up details for Item 6.9 and bring back to January meeting.

7. ITEMS FOR CONSIDERATION AND ACTION

- 7.1. Discuss and reconsider approval of a zoning district change as requested by Greenbriar Homes from the SF 2.5 residential zoning district and a GB General Business zoning district to a planned development district for the development of three single-family lots with a minimum lot size of five-acres of land and approval of one five-acre lot for a self-service [mini] warehouse facility.

City Planner Coker presented his staff report on this item:

Applicant: Ryan Webb
Greenbriar Homes
137 Sawgrass Drive
Heath, Texas 75032

Representative: Ryan Webb

Property owner: Ryan Webb
Greenbriar Homes
137 Sawgrass Drive
Heath, Texas 75032

Location: The property is a 20-acre tract of land located east of the intersection of SH 205 and League Road, with frontage on League Road to the east of the existing retail buildings. The Rockwall CAD property identification numbers are: 11404, 11408, and 11417.

CITY COUNCIL MEETING DATE: December 12, 2023

REQUEST:

The applicant is requesting approval of a zoning district change from the SF 2.5 residential zoning district and a GB General Business zoning district to a planned development district for the development of three single-family lots each with a minimum lot size of five-acres of land and approval of one five-acre lot for a self-service [mini] warehouse facility. This application is not in conformity with the recommendations of the McLendon-Chisholm Comprehensive Plan.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial without prejudice.

STAFF RECOMMENDATION: Approval subject to the following conditions:

No conceptual plan is required.

Lots 2, 3, and 4

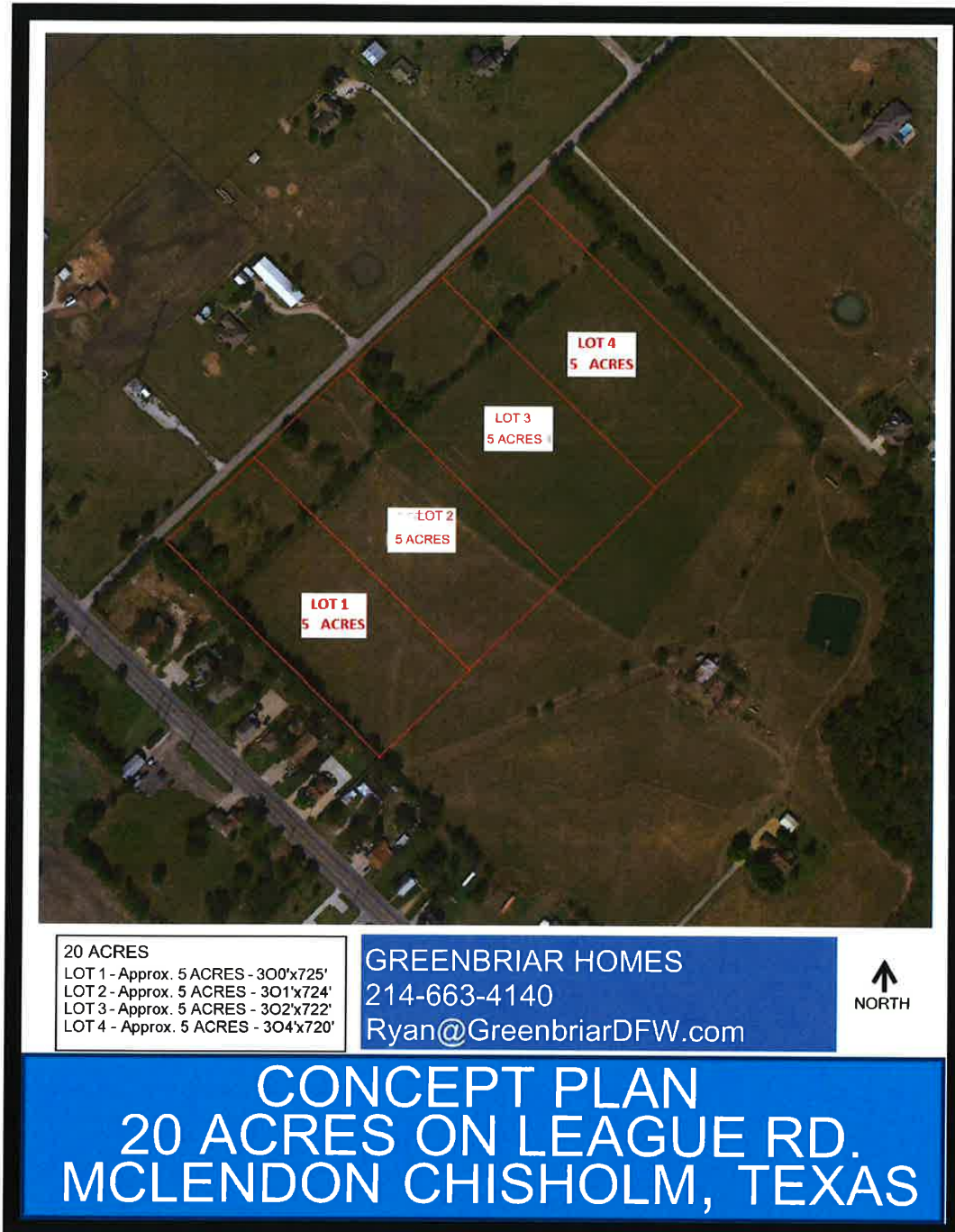
- Apply the AG Agricultural District standards to Lots 2, 3, and 4.
- Allow the minimum street frontage of 150 linear feet for residential uses.

Lot 1

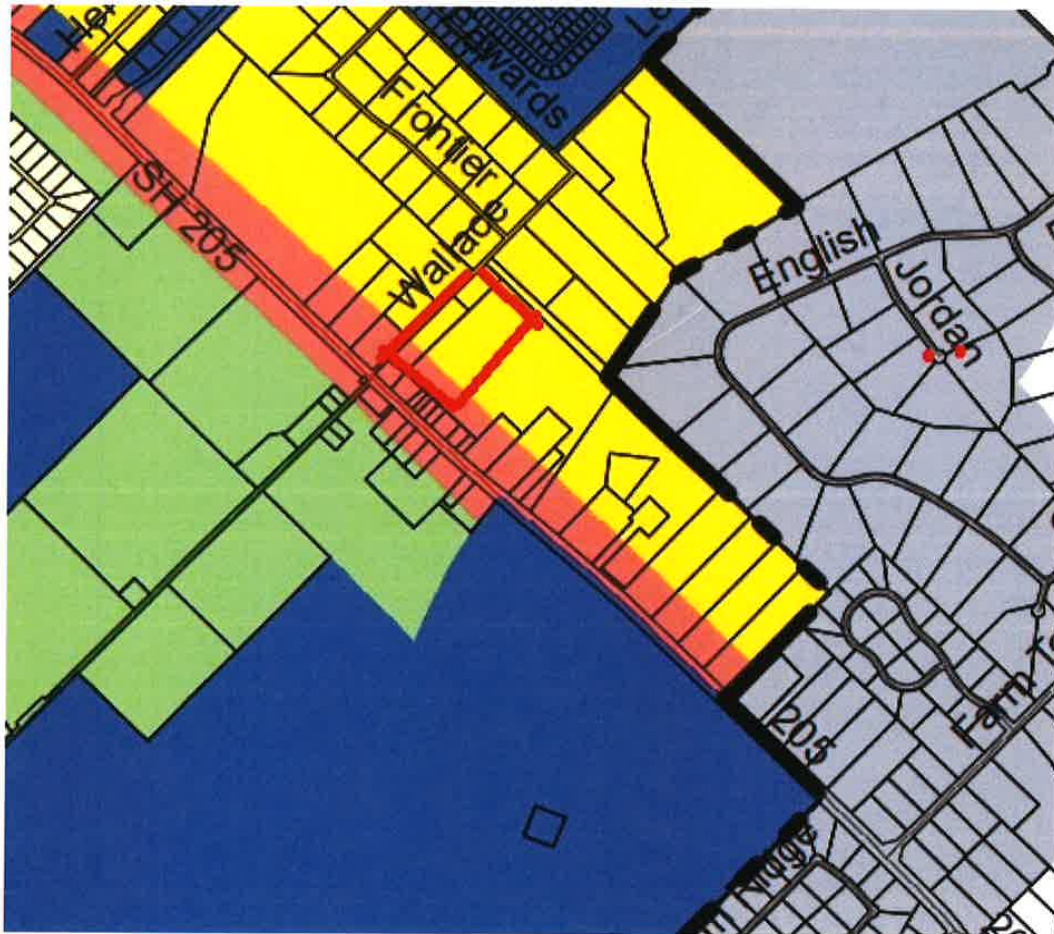
- Restrict Lot one [current GB zoning district] to the existing GB General Business zoning district boundary.

- Require an eight [8] foot tall masonry screening wall adjacent to any residential zoning district and a minimum 6-foot visual screen and landscaping between Lot 1 and the existing commercial/retail uses in the existing GB zoned property.
- Require a revised site plan [boundaries to be established by a registered professional land surveyor] consistent with the actual dimensions of the GB zoned property located within the boundaries of Lot 1. [See the distance requirements for GB zoning adjacent to SH 205; shown below] Section 3-2, 17(b) does not apply.
- Provide a revised landscape plan that complies with Section 6-10 of the zoning ordinance to be submitted for review and recommendation by the Planning and Zoning Commission and consideration and action by the city council before any building permit is authorized for construction on Lot 1.
- Compliance with the existing GB General Business Zoning District Area is Required.
- The additional use allowed on Lot 1 is a self-service mini-warehouse development. Parking for the mini-warehouse use shall conform to the parking requirements of the Zoning Ordinance.

Plan for the requested Planned Development District



Current Zoning Map [Subject property generally outlined in red]



General Business zoning district boundaries along SH 205: Highway 205 distance limitations.

Unless otherwise established by specific ordinance or change in zoning the limit of the GB General Business District, when it is located adjacent to State Highway 205, shall be 350 feet measured from the centerline of S.H. 205. The following conditions shall also apply:

1.

The limit shall be extended to the property line if said property line is located within 100 feet of the 100 foot limit but shall not be less than 350 feet unless otherwise zoned.

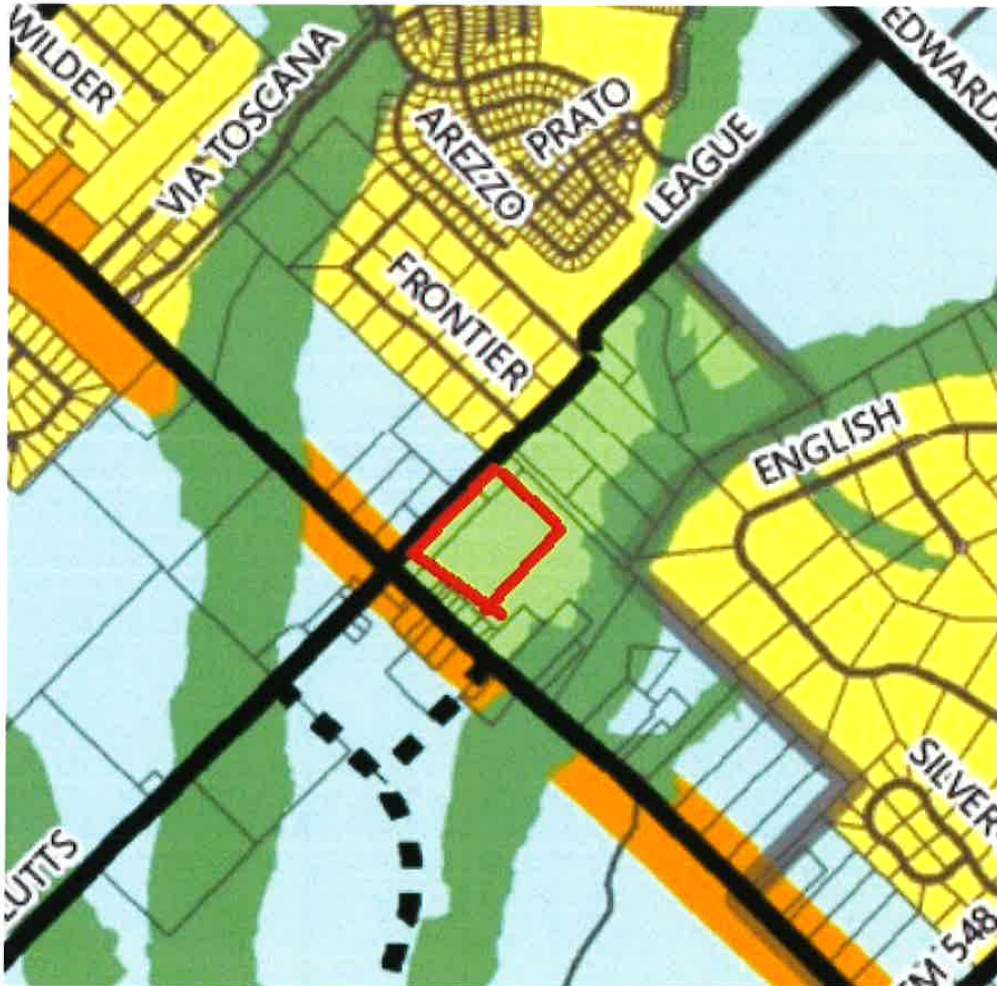
2.

The limit of the GB General Business District shall be interpreted by the zoning official, as designated by the mayor or his/her designee. The zoning official may differ interpretation of the distance to the city council.

3.

This provision does not limit the depth, size, or shape of any other parcel zoned as GB General Business District that is located anywhere else in the corporate limits of the City of McLendon-Chisholm.

Comprehensive Plan Recommendation: Agriculture [approximate location of subject property outlined in red]



The Texas Local Government Code requires that changes in zoning district classification comply with the Comprehensive Plan [Future Land Use Plan]. This application is not consistent with the Future Land Use Plan recommendation for the subject property. However, the agricultural zoning district allows for minimum residential lot size of two and one-half acres of land. A change in zoning district classification for lots 2, 3, and 4 from SF 2.5 to the Ag Agriculture zoning district would allow this part of the application to comply with the recommendation of the Comprehensive Plan.

The staff recommendation for Lot 1 is retaining the GB General Business zoning district standards and allowing an additional use: Self-Service Mini warehouse. This use requires an SUP in the GB zoning district, but the staff recommendation allows the self-service mini warehouse when a site plan and landscape plan is approved in accordance with the landscaping requirements of the Zoning Ordinance.

Future Land Use Legend



Applicant requested development standards:

EXHIBIT B
20 Acres League Rd.
PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS
For 20 Acres
City of McLendon-Chisholm, Rockwall County, Texas

1. Purpose and Intent

This Planned Development District provides for the development standards of a mixed use of 4 lots. It's regulations and use of land intends to be consistent with the zoning standards with moderate modifications for each lot's specified use. Lot 2,3,4 regulations will be fairly consistent with the city's zoning regulations of a SF5 Single-Family Residential District. Lot 1 regulations will be fairly consistent with the city's zoning regulations of a GB General Business District with an allowed land use of mini-warehouses. This development is 20 acres of land located on League Road and each lot will be approximately 5 acres.

2. Special Provisions

This Exhibit includes the PD Development Standards and the Concept Plan both of which are included and made a part of the ordinance adopting the Planned Development District.

- a. Minor amendments to the PD, including minor amendments to an approved Concept Plan or Development Plan, shall satisfy the following standards:
 - i. Do not increase density except lots 2,3,4 having the option to be divided into two 2.5 acre lots;
 - ii. Do not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lot.

Requests to amend the PD or the Concept or Development Plans that fail to satisfy the standards of i. ii. above shall be considered as a change in zoning and shall be required to satisfy the requirements of an original request for a change in zoning.

- b. Minor amendments amendment to the PDD including approved Concept or Development plans may be approved by the Mayor and the City Administrator. No action is required by the Planning and Zoning Commission or the City Council.
- c. Requests for minor amendments shall be made in writing and shall explain the reason or reasons for the requested amendment. Requests for minor amendments shall pay a fee as established by the City Council for the review and processing of a minor amendment request.

3. Conceptual and Development Plan

In establishing this Planned Development District, the city council shall approve and file as part of the amending ordinance the provided Conceptual Plan and the Development Plan attached.

The property owner is requesting the waiving of a separate public hearing for each plan separately.

4. Development Standards

Lot 2, 3, 4

- a. Lots 2,3,4 are closely comparable to a SF5 single-family zoning district.
- b. Lots 2,3,4 may be individually divided into two 2.5 acre lots and then those lots shall follow the zoning standards of a SF2.5 Residential District.
- c. Permitted uses. On Lots 2,3,4, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with section 3-1. Use of land and buildings of the City of McLendon-Chisholm Zoning Ordinance as shown for the SF5 Residential District.

d. Area requirements.

Minimum Lot Area	5 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Street Yard	75 ft. Front Street 75 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

- e. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of section **6-7**, Off-street parking and loading requirements.
- f. Accessory building and structure regulations. In addition to the following, regulations for accessory building or accessory structures shall be in compliance with section **6-3**, Accessory building regulations.
- Accessory buildings and structures clearly incidental to the uses permitted in the SF5 Zoning District and located on the same lot therewith, not involving the conduct of a retail business except such customary home occupations as herein defined, including a private garage and bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than 100 feet from the front line, nor less than 25 feet from either side line; provided, accessory building when combined with the single-family dwelling and all other accessory buildings, shall not occupy more than 15 percent of the gross land area.
 - When the accessory building is directly attached to the main building, it shall be considered as an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered part of the accessory building.
 - Temporary metal buildings less than 800 square feet in size which are used for tool and supply storage are also permitted.

Lot 1

- Lots 1 is closely comparable to a General Business zoning district.
- Permitted uses. On Lot 1, Uses shall be in accordance with section **3-1**, Permitted use table and allowed for use of mini-warehouses.

c. Area requirements.

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft. abutting Red
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Red
Maximum Lot Coverage	40 %
Maximum Building Height	35 ft.

- d. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of section 6-7, Off-street parking and loading requirements except with the land use of Mini-warehouses, there will be no permanent parking spots required.
- e. Landscaping. A total of 10% lot coverage is required to be landscaped. All credit provisions in section 6-10, Landscaping requirements will be deducted from the total lot coverage requirement.
- f. Screening and buffer requirements. Both side and rear property lines will be required to have a 6' stained wood fence with steel posts up to the front fence line. The front yard will have a 6' decorative black wrought iron fence and 2 gates with landscaping in front of the fence.
- g. Masonry requirement. The front wall of the first buildings facing League Rd. will be 100% masonry excluding doors/windows. All other walls of the buildings will be metal and painted.

BACKGROUND INFORMATION:

AG Zoning District requirements:

A - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Street Yard	75 ft. Front Street 75 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15%
Maximum Building Height	45 ft.

Staff recommendation reduces the minimum lot width from 300 feet to 150 feet. Other standards remain the same.

GB Zoning District requirements:

GB - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

The staff recommendation provides for an additional use, but does not modify the development standards.

Additional background information:

The current zoning district standards for the subject property are SF 2.5 which is a residential district requiring 2.5 acres of land for residential use. This section, however, requires a minimum street frontage of 300 feet. The staff recommendation recommends a reduction in the required lot frontage from 300 feet to 150 feet as recommended by the Comprehensive Plan. The only way to make that adjustment is to create a planned development district that provides for the reduction in street frontage. A request to the Board of Adjustment would not be appropriate since there is no hardship due to size, shape or slope of the property.

The General Business zoning district allows a mini-warehouse by specific use permit only. This planned development district allows the use by right, but the staff recommendation for site plan and landscape plan approval prior issuance of construction permits, provides the same mechanisms for review and approval of the additional use.

Thoroughfares/streets:

League Road is a residential street.

Property legal description:

BEING a tract of land situated in the King Latham Survey, Abstract No. 133, Rockwall County, Texas, and being a portion of a tract of land conveyed to Gary Lovell, as recorded in Volume 6429, Page 290, Deed Records, Rockwall County, Texas, also being a portion of a tract of land conveyed to O B Lovell, as recorded in Volume 1027, Page 12, Deed Records, Rockwall County, Texas, as shown on this survey and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, being the Northeast corner of a tract of land conveyed to James Adcox, as recorded in Instrument No. 20220000021336, Deed Records, Rockwall County, Texas, and being on the Southeast right-of-way line of League Road, also being the Northwest corner of said Lovell tract;

THENCE North 44 degrees 21 minutes 21 seconds East, a distance of 1,208.11 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 45 degrees 55 minutes 46 seconds east, a distance of 719.34 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 44 degrees 04 minutes 14 seconds West, a distance of 1,204.27 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 46 degrees 13 minutes 51 seconds West, a distance of 725.39 feet to the PLACE OF BEGINNING and containing 20.00 acres of land.

City Attorney Halla explained that what he understands is within four days from the vote of the last council meeting is the Mayor submitted some written objections. He talked with Konrad about it, so that's his understanding. So, we got that the purpose of that is in a general law city, Mayors do not have veto power. What they have is they can request that the city council reconsider an ordinance or a resolution if, like I said, they made written objections within no later than four, the fourth day after the action, whatever is the subject of the objections. So it is my understanding that was done, then the statute is very clear, the council doesn't have a choice, it says shall. The council shall reconsider the vote. As you know, we either got discussed and consider, consideration and action. You know those are the action words for us or one of the action words on our agenda. So, we're reconsidering the vote, and we have to do that because of what occurred, we have to reconsider the vote, we shall do that, and that's where we are now. So, what that statute basically says in layman's terms is no vote happened last time. Vote now.

MOTION: DENY WITHOUT PREJUDICE THE REQUEST TO APPROVE A ZONING DISTRICT CHANGE REQUESTED BY GREENBRIAR HOMES FROM THE SF 2.5 RESIDENTIAL ZONING DISTRICT AND A GB GENERAL BUSINESS ZONING DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR THE DEVELOPMENT OF THREE SINGLE-FAMILY LOTS WITH A MINIMUM LOT SIZE OF FIVE-ACRES OF LAND AND APPROVAL OF ONE FIVE-ACRE LOT FOR A SELF-SERVICE [MINI] WAREHOUSE FACILITY.

MADE BY: Council Member McLendon

SECONDED BY: Council Member Tucker

Motion died.

Council Member McNeal stated he has many emails and conversations, but after meeting with Mr. Webb and seeing his vision and his plans and what he's wanting to do, I like what he's wanting to do, I won't deny that at all. I think his frontage looks great. I think his ideals are great. However, after our executive session and after some meetings and talks, as well as some emails that I've had with some people, I'm going to change my stance. So, when we go to vote, I'll be a no.

Council Member Tucker stated he had a little difficulty with the measurements that you provided, Mr. Webb, on the property itself. From your property line on the west side you suggested that was going to extend to encompass only four acres which was at the point where the tower was. However, that would have encompassed approximately 240 feet and now what I'm looking at is that the elevation on League Road of the measurement of the building space in itself takes up at least 300 feet so there's a deviation from what you said and what needs to be so that inherently if it's a 300 foot distance that you require for the frontage of the edifice itself, you literally have to go beyond that tower which we're considering it as being commercial. Mr. Coker would say otherwise but just for sake of argument it would have to go at least 60 feet beyond that and really starts to encroach on some of the residential area there. So, unless there was a change in the profile of your building itself, just let me say that it was maybe an inaccuracy on your part when you suggested that. So, I had a problem with that.

Mayor Pro Tem Balkum asked Mr. Webb to step up to the podium to answer questions from the council.

City Attorney Halla recommended this be sent back to P&Z for their recommendation.

Planning & Zoning Commissioner Kipphut stated this is a very complicated case and Planning and Zoning is committed to the development of the city, but we have to do it in accordance with the Comprehensive Plan and our ordinances. If you act tonight, as I understand it's a PD, a planned development for 20 acres, so you're acting on the 20 acres, you're not extracting some amount. So, I'm trying to help Mr. Webb here, if that would be his preference to turn it all into residential, all 20, then you could act on that tonight if you wished and it would be all 20 acres that PD would not be residential.

City Attorney Halla stated he still believes the better course of action is to clean it up. I'm not saying you couldn't do that. There's maybe no wrong way here. But the better way I think is for it to go back to P&Z and clean it up. If he wants to do all 20 or if he just wants to do a portion and cut out the self-storage, he has the option to do that. I just think it's better if Council sends that back down to P&Z. Mr. Kipphut stated that would be our recommendation.

Staff directed to send it back to Planning & Zoning.

- 7.2. Discuss and reconsider approval of a request by Oak National Development, LLC to change the existing planned development district on approximately 148.25 acres of land from the current zoning district of Planned Development District [Triple Creek] to a new Planned Development District [Legacy Park] containing 335 single-family residential lots and a city park. The Rockwall Central Appraisal District Property identification numbers are 11447 and 11438.

City Attorney Halla explained again this item being "reconsidered".

City Planner Coker gave his staff report on this item:

APPLICANT: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

PROPERTY OWNER: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

REPRESENTATIVE: Jay Webb

LOCATION: 148.25 acres of land located generally around three sides of 1371 West FM 550
[McLendon-Chisholm City Hall] McLendon-Chisholm, Texas. Rockwall CAD Property ID
#11447 and 11438.

REQUEST:

The applicant is requesting approval of a zoning district change from Triple Creek Planned Development District that provides for lot sizes of one-acre to one and one-half acre to a new planned development district [Legacy Park] for the development of 335 single-family lots and a 44-acre public park.

STAFF RECOMMENDATION: Approval.

Applicant Concept Plan for Legacy Park Planned Development District



Proposed development standards [as edited by city planner additions underlined]

**LEGACY PARK ESTATES
PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS
For Approximately 148.15 Acres
City of McLendon-Chisholm, Rockwall County, Texas**

1. Purpose and Intent

This Planned Development District provides the development standards for a planned subdivision containing 335 single-family residential lots with a minimum lot size of seven thousand two hundred square feet of land and a city park. This development is approximately 148.15 acres of land generally located near the existing McLendon-Chisholm City Hall on FM 550.

2. Special Provisions

This Exhibit includes the PD Development Standards and the Concept Plan both of which are included and made a part of the ordinance adopting the Planned Development District.

- a. Minor amendments to the PD, including minor amendments to an approved Concept Plan or Development Plan, shall satisfy the following standards:
 - i. Do not increase density;
 - ii. Do not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lot.

Requests to amend the PD or the Concept or Development Plans that fail to satisfy the standards of i. ii. above shall be considered as a change in zoning and shall be required to satisfy the requirements of an original request for a change in zoning.

- b. Minor amendments amendment to the PDD including approved Concept or Development plans may be approved by the Mayor and the City Administrator. No action is required by the Planning and Zoning Commission or the City Council.
- c. Requests for minor amendments shall be made in writing and shall explain the reason or reasons for the requested amendment. Requests for minor amendments shall pay a fee as established by the City Council for the review and processing of a minor amendment request.

3. Development Plan

Prior to development of any portion of this planned development district, the City Council shall consider a development plan upon recommendation from the Planning and Zoning Commission. Development plans shall comply with Section 6-1 **Site plan requirements** of the McLendon-Chisholm Zoning Ordinance and Section 5-1 D. 2. of the

McLendon-Chisholm Zoning Ordinance. Any development plan shall conform to the Concept Plan that has been approved and made a part of this ordinance.

This development may be constructed in phases. However, if constructed in phases, each phase shall have a development plan reviewed and recommended by the Planning and Zoning Commission and reviewed and approved by the City Council prior to any construction in that phase.

4. Development Standards

Lot layout shall conform to the Concept Plan that has been adopted and is part of this ordinance. An earthen berm not less than four feet in height when measured from grade and approved by the City Engineer; containing a mix of shrubs and ground covers shall be required to be installed between any residential use in this planned development district and the detention pond on the City property and between any residential use and any parking lot or activity area located on the City owned property adjacent to the planned development district.

- a. This is a single-family zoning district with a 44-acre park and trail system. [See concept plan]
- b. Permitted uses. In this zoning district, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with section 3-1. Use of land and buildings of the City of McLendon-Chisholm Zoning Ordinance as shown for the SF 1.5 Residential District, except as amended by this ordinance. A park may include a museum, a heritage center, pavilions, maintenance shops, and assembly areas where the public may gather for park or city related events.
- c. Area requirements. Minimum residential lot size 7,200 square feet.
- d. Setbacks. Front yard 20 feet
 Side yard 5 feet
 Rear yard 20 feet
Front yard setbacks shall be consistent for the entire block face. Side yard setbacks shall be consistent for the entire block face. Corner lots having street frontages with front yards on both streets shall have the required front yard setback for the entire block.
- e. 1. Lot width. The minimum lot width is 60 feet.

For lots fronting on a cul-de-sac or eyebrow, the minimum lot width shall be measured at the front setback line and may be measured along the arc of the cul-de-sac or eyebrow.
2. Lot depth. The minimum lot depth is 120 feet.
- f. Minimum Dwelling size. 2,000 square feet.
- g. Lot coverage. 70 percent.
- h. Maximum Height. 36 feet. [measured to the mid-point of hip, gable or gambrel roofs; to the top of the parapet on flat roofs. Other roof elements may not exceed 36 feet in height]
- i. Off-street parking. Shall conform to section 6-7, Off-street parking and loading requirements of the McLendon-Chisholm Zoning Ordinance.
- j. Accessory structures. Shall conform to the requirements of section 6-3 of the McLendon-Chisholm Zoning Ordinance.

- k. Landscape requirements shall conform to section 6-10 of the McLendon-Chisholm Zoning Ordinance.

PARK, TRAIL SYSTEM, OPEN SPACE

Owner/Developer shall donate to the City the land labeled City Park Area and the land shown in red as trails on the concept plan upon completion of the Park improvements by owner/developer.

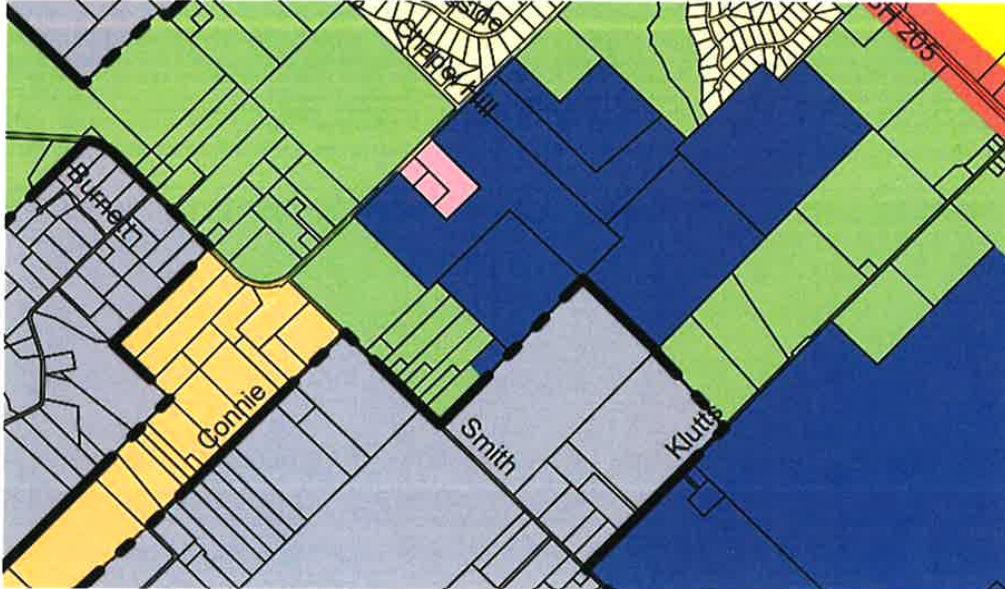
Areas labeled Open Space Area shall be owned by the HOA described herein. Owner/developer agree to dedicate to the HOA approximately 13.51 acres of open space (the "HOA Open Space") in the location shown on the Concept Plan attached hereto which may include floodplain. Owner/developer agrees that the Neighborhood Open Space will include preservation of existing ponds, development of trails and other amenities as required by this planned development district. All maintenance and cost thereof within the Neighborhood Open Space shall be the responsibility of the HOA. All expenses for construction, maintenance and operation shall be paid by the Owner/developer until transferred to the HOA. At time of transfer to the HOA, all costs of maintenance and operation shall be borne solely by the HOA.

To the extent easements or rights-of-way are needed within this planned development district, they shall be dedicated by Owner/developer to the City or HOA at no cost to the City.

BACKGROUND INFORMATION: A development agreement was negotiated between McLendon-Chisholm and the developers of Triple Creek. The DA was executed in 2006 and the Triple Creek property was annexed into the City. Triple Creek Planned Development District was approved in 2007 and was amended in 2009. The Development Agreement was extended several times by the City Council at the request of the developer. The development agreement expired last year, but the zoning district is still applicable to the underlying land areas.

Current Zoning: The current request is a portion of the Triple Creek Planned Development District. The overall Triple Creek Planned Development District provides for a total of 1750 single-family lots with 167 lots having one-acre or larger and the remaining lots much smaller on a total of 1,583 acres of land. The gross density in 2009 was about 0.9 acres per lot. Triple Creek Ranch has three creeks that proceed through the property, significantly reducing the developable land from the 1,583 acres included in the planned development district by about 30 percent to approximately 1108 acres of developable land. The net density then is about 0.63 units per developable acre.

Current Zoning Map



Additional background information:

In 2009 the City Council adopted a new conceptual plan for the acreage around the current City Hall that included 163 acres of land and provided for 15 lots having one and one-half acres per lot and 106 lots having one-acre of land per lot. A portion of the 163 acres was given to the City and then the city purchased additional land for a total of 15 acres for City-related uses. The 15 acres of city owned land reduced the number of one and one-half acre lots and reduced the total number of one-acre lots and reduced the total acreage from 163 acres to 148 acres.

The 2009 approved Concept Plan [below] for the 148 acres is the area that is the subject of this request. The dark black rectangle is the approximate location of the City-owned land.



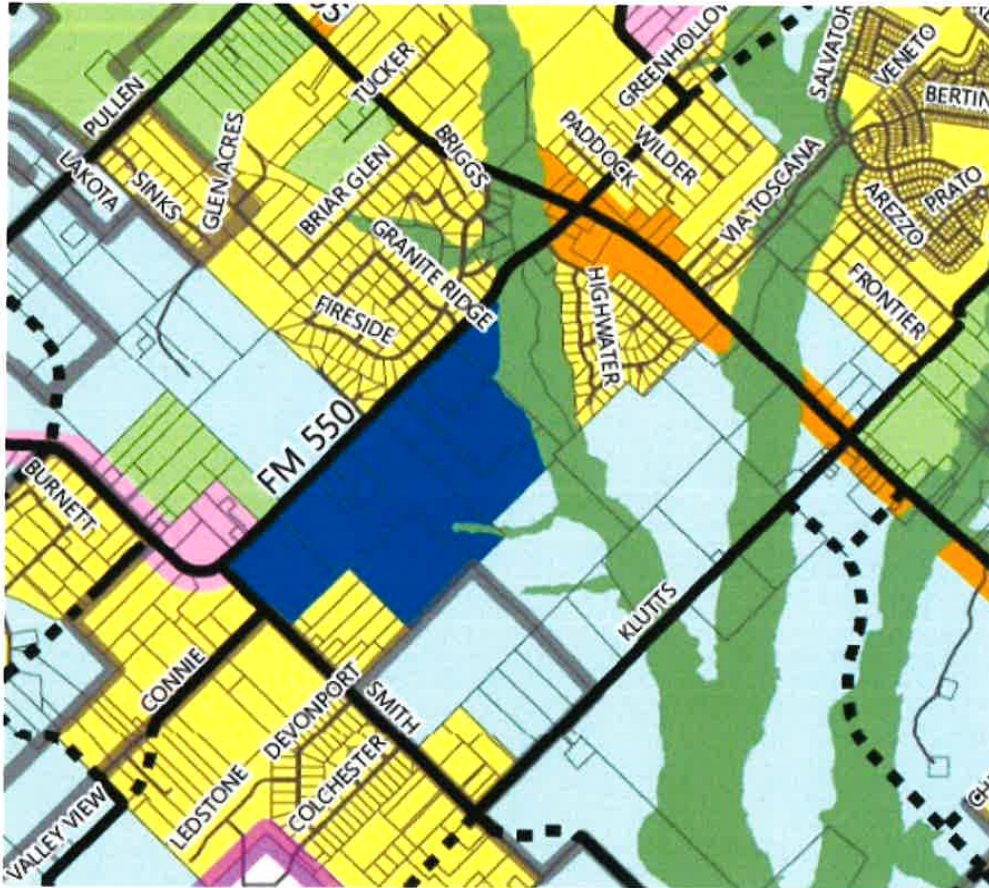
This approved 2009 concept plan had 15 one and one-half acre lots and 106 one-acre lots. The acquisition of 15 acres reduced the number of one and one-half acre lots by approximately four lots and reduced the number of one-acre lots by approximately 26 lots leaving approximately 91 single-family lots in the area of request.

The applicant's request is to increase the residential density 335 dwelling units and to provide a 44 acre public park.

Comprehensive Plan: Zoning must conform to the Comprehensive Plan. This application satisfies many of the anticipated land uses as identified in the Heritage Center description [below].

- Mixed use environment
- Parks, trails, open/green space, and ponds or creeks.
- Park to include cultural/historic elements related to McLendon-Chisholm

Future Land Use Plan Map



The Future Land Use Plan shows the area fronting on FM 550 to be “Heritage Center”.

The Comprehensive Plan describes this Heritage Center as follows:

Heritage Center

This Future Land Use Designation is located on land with the new City Hall and Fire Station, in addition to private and School District-owned land and is intended to be a node of development that showcases the City’s Rural Heritage, Green Spaces, and Natural Areas in a Country Living Activity Center.

Anticipated Land Uses:

- Institutional uses associated with the City, County, and/or School District;
- Mixed-use development (combinations of residential, office, restaurant/retail, entertainment, and arts/culture) with a rural/country feel;
- Uses relating to McLendon-Chisholm’s heritage and/or history or arts and culture; and/or
- Parks, trails, open/green space, and ponds or creeks.

Desired Development Characteristics: [These characteristics are not required, but desired]

- Maximum density of one dwelling unit per acre for residential uses, exclusive of floodplains and rights-of-way. Drainage areas and waterways should be within HOA-maintained common areas and not included on individual lots where applicable.
- Conservation development that groups buildings/structures and provides beautiful green/natural areas which showcase McLendon-Chisholm's Country Feel.
- Development that Diversifies the Tax Base and provides areas for people to enjoy Grassroots Community Events or entertainment.
- Extensive, shaded, lighted, and landscaped trail system to connect the Country Living Activity Center.
- One story typical with two stories maximum.

NOTE: The minimum lot size for a residential lot with on-site sanitary sewer facilities is one-acre of land within the City of McLendon-Chisholm. For developments with off-site sanitary sewer availability, smaller lots may be considered. The applicant/developer in this application has secured 335 off-site sewer taps that will provide connection to the City's sanitary sewer system.

Thoroughfares/streets:

FM 550 is shown on the McLendon-Chisholm Thoroughfare Plan to be an existing principal arterial adjacent to the applicant's property. A principal arterial is proposed to be a four-lane divided thoroughfare with 100 to 150 feet of right of way. Adjacent to the subject property FM 550 is a two-lane undivided thoroughfare with 60 feet of right of way. At the time of platting, it is the City's policy to acquire one half of the deficit right of way from the applicant. The City has been acquiring additional right of way along FM 550 to widen the right of way from 60 feet to 100 feet. That usually means a dedication of 20 additional feet of right of way adjacent to the applicant's property.

Property legal description:

Legal Description

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the southeast right-of-way line of F.M. 550, said point being at the west corner of said 159.4006 acres tract of land;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 900.74 feet to a 1/2" iron rod with yellow plastic cap found for corner at the west corner of a 2.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of McLendon-Chisholm, Texas, as recorded in Volume 7229, Page 249 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 00 min. 00 sec. E. a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the south corner of a 10.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of McLendon-Chisholm, Texas, as recorded in Document no. 20130000499269 of the Official Public Records of Rockwall County, Texas;

THENCE N. 45 deg. 00 min. 00 sec. E. along the southeast line of said 10.00 acres tract, a distance of 681.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the east corner of same;

THENCE N. 45 deg. 00 min. 00 sec. W. along the northeast line of said 10.00 acres tract, a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner in the southeast right-of-way line of F.M. 550;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 840.00 feet to a 1/2" iron rod found for corner in an old road bed, at the north corner of said 159.4006 acres tract;

THENCE S. 45 deg. 25 min. 58 sec. E. along said old road bed and northeast boundary of said tract, a distance of 2983.44 feet to a 1/2" iron rod found for corner;

THENCE S. 45 deg. 15 min. 03 sec. W. along said old road bed and passing a 1" iron pipe at a turn in same at 784.39 feet and continuing for a total distance of 2243.27 feet to a 3/8" iron rod found for corner at base of 3" steel fence post in concrete at the south most corner of said 159.4006 acres tract of land;

THENCE N. 44 deg. 44 min. 43 sec. W. a distance of 1494.36 feet to a 1" iron pipe found for corner;

THENCE S. 45 deg. 05 min. 25 sec. W. a distance of 212.95 feet to a 1/2" iron rod found for corner;

THENCE N. 44 deg. 47 min. 44 sec. W. a distance of 1478.86 feet to the POINT OF BEGINNING and containing 144.41 acres of land.

TRACT 2

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 10.00 acres tract of land as described in a Warranty deed from Richard B. Skibell to Tyrone E. Davenport and Cheryl Anne Davenport, dated October 20, 2004 and being recorded in Volume 3742, Page 268 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at the base of a 3" steel fence post in concrete at the east corner of said 10.00 acres tract and at the south corner of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 27 min. 19 sec. W. along the southeast line of said 10.00 acres tract, a distance of 559.20 feet to a point in edge of water for corner;

THENCE N. 44 deg. 17 min. 46 sec. W. a distance of 300.60 feet to a point in edge of water for corner in the northwest boundary line of said 10.00 acres tract of land;

THENCE N. 45 deg. 35 min. 26 sec. E. along the northwest boundary line of said 10.00 acres tract of land, a distance of 556.85 feet to a 1/2" iron rod with yellow plastic cap found for corner;

THENCE S. 44 deg. 44 min. 43 sec. E. a distance of 299.28 feet to the POINT OF BEGINNING and containing 3.84 acres of land.

Planning & Zoning Chairman Kipphut presented the objections of the P&Z commission and discussed the plan in relation to the comprehensive plan.

MOTION: APPROVE THE REQUEST BY OAK NATIONAL DEVELOPMENT, LLC TO CHANGE THE EXISTING PLANNED DEVELOPMENT DISTRICT ON APPROXIMATELY 148.25 ACRES OF LAND FROM THE CURRENT ZONING DISTRICT OF PLANNED DEVELOPMENT DISTRICT [TRIPLE CREEK] TO A NEW PLANNED DEVELOPMENT DISTRICT [LEGACY PARK] CONTAINING 335 SINGLE-FAMILY RESIDENTIAL LOTS AND A CITY PARK.

MADE BY: Council Member Tucker

SECONDED BY: Council Member Hoffman

Council Member McLendon asked Mr. Kipphut what be acceptable to P&Z. Mr. Kipphut responded that the question is really one of balance and what kind of development would be done on the property. We would like to see fewer homes; we'd like to see some mixed use; and we

would like to see some development that would be consistent with the desired outcomes of that area. He thinks the comprehensive plan is pretty clear on that specific area.

Mayor Pro Tem Balkum pointed out a few things about the Webbs. They've been very involved in our municipality, they live here, they do business here, they've been part of our 380 agreements. You know they are very involved with the school district. They are under the concept of bringing athletics so they will help the child learn. She stated her children are very young and we're trying to get them involved in sports. I see that need. I understand the education portion and I understand their dream. I see that and that's the things that we need to address.

Kevin Webb presented a statement to the Council. He explained that when they started to look at this, they wanted this to be a special development. We didn't want this to just be another one of our standard developments where we go in and we put in our houses and, again, we feel that they're nice houses. But we wanted something special. This was going to be around our hometown and city hall. We studied the comprehensive plan. We spent time on it and we looked over everything. We looked at all the different surveys, the graphs, and we saw that the parks were the second most desired amenity and that with the vote had three fourths in favor and that could hit close to home with me. I've expressed that several times, I'm kind of a sports guy. When we first approached this with the city, in all fairness, you know Coker kind of hit me pretty hard on it. It was probably more of a sports center with more of a grid type development. You know, a little more biased. But you know we were asked you know could you make it you know the streets more curvy linear, we said yes. We were asked could you dedicate some of the land to 550 expansion, we said yes. We were asked could you add pickleball courts, we said yes. We were asked could you add a basketball court, we said yes. We were asked can you add landscape screening between the houses and the city center, we said yes. We were asked could you connect your trail to future developments, we said yes. We were asked could you add a secondary pavilion and increase the main pavilion and we said yes. Could you move the entrance away from the city hall and we said yes. We were asked could you increase the lot size from 60 to 70s, we said yes. We were asked if we could remove some of the fields and create a community green, we said yes. We were asked to move the fields away from city hall and rotate the fields by 550, we said yes. We were asked if the park was economically self-sufficient, we said yes. We provided calculations to demonstrate that the park would be sufficient. We have asked for your input and when we received it, if at all possible, we tried and we always said yes. Through this process we've come up with the general concept for a truly special development for the city. We plan on continuing to work with you through the next steps to determine the final details in the preliminary plat and engineering steps and make sure this is the premier development with the large open gathering area adjoining the city center rather than a closed in residential development surrounding the city center and we're just here to as you to say yes.

Council Member McLendon stated that in executive session his main concern was the density. When you look at Sonoma Verde, it's 550 acres, 1,950 homes, so we're looking at like 1.9 per acre, take 20%, probably 1.5 when you add in the roads and things of that nature. You do the numbers for this particular development, 335 homes, you take away the parks, it's about 104 acres comes out about 3.2 take away 20%, looking at about 2.6 per acre is what we're looking at. I do believe that our community needs some type of place where we can come today for our younger generation. I think this is a good opportunity for that. My vision as a legislator, as a leader for this city and we have discussions with city council, mayor, mayor pro-tem, we're looking at well, I'm at 550/205 being our core center for developing this city and building our center. When you go

north, southeast, or west of that, we're going to continue to build out when it comes to developing McLendon-Chisholm. If you look at the comprehensive plan, it's stating that at 2040 we're going to be at 25,000 as a city which I mean, that's considering at 2010 we're at 1,000, ten years later we're at like 4,000. Right now we're at plus five. I personally, as your city council member have changed my mind to support this agenda for the simple fact that one, we have a partner that's willing to work with us and, two, ourselves like we fight it out in the back you know to figure out what's the best thing for our city. Some of us agree, some of us don't, but we come together, and we move forward, you know as a team, and we want to give you what our thought process is, our vision for this city. Is it the density that we want, no it's not. But also on the other side, Mr. Webb and his development team aren't getting everything they want either and that's what this is about. So, some of you may not agree with our decision you know as collectively and that's okay, that's all right. I owe you and we owe you an explanation on why we decide to vote the way we vote. I personally think as leaders sometimes we have a vision that our constituents don't and they don't see it until we have it, until it's there, and I think this is one of those times.

Mayor Pro Tem Balkum added, for some clarity, that we don't really have a development agreement. Most developments that are inside the city we don't. But in Sonoma Verde I think there was like a comparison, and it doesn't matter who said it or anything like that and I apologize, it's not relevant, but the point that I'm trying to make is that in regard to like questions asking how did Sonoma Verde, how did they come about? They have smaller lots and there was a development agreement. Originally it was a majority of the acreage was in the ETJ. You can have a development agreement for that property to come into the City and then in that development agreement back and during that time that the city council administration at that time already made, I would say compromises and understanding what they were wanting back then and that's how that development came about. So, we have a developer here and they have, multiple times, and I have seen that's reason why I mentioned about the increases and decreases and I'm glad Mr. Webb actually mentioned all of the other items, and I apologize I don't remember all the items, it's a laundry list you know. But in reality, I really really believe and I'm hoping that you do show up and I hope that y'all do show up and in January when we start going through listening to what people want. We want something special to do and we want to do what the people want and overall, I think that we're going to do something great with it, but you have to understand is like that that city park might change into something else, it might be a community center, I don't know but it may include like a smaller area, but whatever that is I just want to make sure that whenever you're making that discussion with us about it, it's going to be a park. The Heritage Center is going to be the priority to make sure that this is going to fulfill what is expected responses that we're going to get from the surveys and involving P&Z. They have to be a part of this too and make sure that we are doing everything that we can administratively.

Council Member McNeal stated he actually agrees with Adrienne. I do hope y'all show up. I do support this plan. When I did meet with them, I supported it then. I appreciate the vision. I think what they're wanting to bring to the community is strong and solid. I know it doesn't go with the density that we all would want to not happen. But what this brings to the community is it gives us a central area where people can come together, walking trails, parks. I believe there is going to be a place for a picnic, not that I'm into picnics. I want to echo what Floyd said, you know we did go back into the back and we had a lot of discussions and obviously we all came out of here with some changed minds and that's to me what democracy is about. We can change our minds, we can listen to other people.

Council Member Tucker stated he has been torn on this project and he's seen a number of projects similar to this come through and for the most part, the density was the biggest problem for me. I'll probably vote against it. However, I hope that you prove me wrong. You know I love the park, it offers a lot of opportunities for the community. I think it's got a place here for McLendon-Chisholm and I think it will be well received. I do not like the density and in spite of all the yeses that you did comport to, you never comported to making it less dense. I would love to have seen maybe half-acre properties. I would have been much more on board with something like that but I understand there's a bottom line. I also try to follow the comprehensive plan and I've gone wayward on that in a couple of occasions and have made my decisions based on either some economic advantage to the city or what have you, but I've come back to the comprehensive plan. There is that allowance with a plan development for higher densities, no doubt, but as somebody mentioned at one point, the spirit of the plan is that we have one-acre properties with one home on those properties. Now to a great degree, that excludes a number of people that are out there currently trying to purchase homes and I've been to other communities that are high density, particularly some of the MUD projects that we've been introduced to and actually they're very acceptable places to live. It feels like a real community, and I actually live in Chisholm Crossing and to be frank with you I live on a one acre property. It really doesn't feel like a community so, as I said earlier, I'm hoping that this is going to be a success for all of us. I'm going to stay with the comprehensive plan that's been suggested for a long lone time that we stay with one-acre properties.

APPROVAL: 4 – 1 [Motion passed]

- 7.3. Consideration and approval of a request of MFS Group, LLC for the approval of a final plat for a one and one-half acre tract of land located at the southeast corner of the intersection of FM 550 and SH 205 identified as Lot 1, Block 1 of the SH 205/550. The Rockwall CAD number is 101321.

City Planner Coker presented his staff report on this item:

APPLICANT: Cameron Slown
TNP, Inc.
825 Watters Creek Blvd, Suite M300
Allen, Texas 75013

PROPERTY OWNER: MFS Group, LLC
2357 Jupiter Road
Plano, Texas 75074

REPRESENTATIVE: Cameron Slown

LOCATION: South quadrant of the intersection of FM 550 and State Highway 205

CITY COUNCIL MEETING DATE: January 24, 2023

This item is a ministerial function. The City Council has three options related to platting decisions: Approval; Approval with conditions; or disapproval. If disapproved the reasons for disapproval must be stated.

REQUEST:

The applicant is requesting approval of preliminary plat for a one and one-half acre tract of land located at the south corner of the intersection of FM 550 and SH 205.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval subject to the conditions listed below.

STAFF RECOMMENDATION: Approval of the preliminary plat subject to the following conditions:

Conditions:

- Civil engineering plans are to be reviewed and approved by the City Engineer prior to filing the final plat.
- Replace the signature blocks on the front page of the preliminary plat with the signature blocks required by the Subdivision Ordinance. [Done]

[note: full sized copies of the preliminary plat are available at City Hall for inspection]

BACKGROUND INFORMATION:

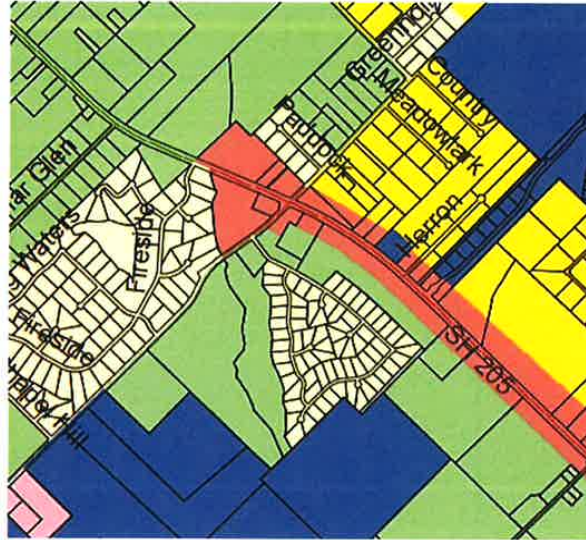
The subject property is a 1.5-acre tract of land located at the south corner of the intersection of SH 205 and FM 550. [Rockwall CAD #101321]. It is being platted to create a building site for the development of a retail shopping facility with a detached drive-thru restaurant.

Rockwall CAD map showing property



This preliminary plat complies with the requirements of the Subdivision Ordinance and is consistent with the requirements of the General Business Zoning District

City Zoning map for subject property [Red is General Business Zoning District]



Thoroughfares/streets:

This property fronts both SH 205 and FM 550. Property dedications for the upcoming widening of SH 205 and intersection improvements with FM 550 have been provided. There is an existing access easement providing access to the subject property from FM 550 that is being constructed coincident with the development of this project. Driveway permits from TXDOT are required for the construction of the drives on FM 550 and SH 205. Necessary dedications for TXDOT improvements to SH 205 and the intersection of FM 550 have been conveyed to the State of Texas.

NOTES:

1. ALL UTILITIES ARE SHOWN AS LOCATED BY THE UTILITY LOCATOR. THE LOCATION OF UTILITIES IS NOT GUARANTEED BY THE UTILITY LOCATOR. THE LOCATION OF UTILITIES IS NOT GUARANTEED BY THE UTILITY LOCATOR.
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APPROVED:

 PROJECT MANAGER

APPROVED:

 PROJECT MANAGER

APPROVED:

 PROJECT MANAGER

MADE BY: Council Member McLendon
SECONDED BY: Council Member Tucker
APPROVAL: Unanimous

- No Action

7.5. Presentation and discussion with One-Firm regarding predevelopment questions on Hwy 205 and FM 550.

Jeff Carol, Carol Architect, 750 East I-30, Rockwall. Site plans were passed out. Mr. Carol explained this is a 3.5-acre lot at 550 and 205, just south of the corner lot, or west of the corner lot. What we are proposing tonight is to develop that site with various multiple buildings. The developer, One Firm, we have done five commercial projects with them. They did the two facilities out by Standard in Heath. They are doing one in Rockwall, one in St. Paul town, and hopefully here in the town of McLendon-Chisholm.

Mr. Carol explained the site plan and what they are proposing. This will be what has been developed in Heath and the other projects they have done with this particular developer is top quality, top product and that's what they're trying to bring to the town here.

Mayor Pro Tem Balkum asked about a pro-rata agreement with the other property owners.

Brian Berry, 4210 Ridge Road, Suite 201, Heath, Texas, 75032. We have approximately 3.85 acres north of Brookshires on the 550 S and just west of what I'll call the Poloni property. There's a 30-foot access easement agreement in between us that is for Brookshires. I'm happy to answer any questions that you may have as it relates.

Mayor Pro Tem Balkum asked what the expectations are. Mr. Berry responded there are no expectations other than he is required, as the property owner, to provide access to Brookshires in the event they choose to, what most would suggest to be a road access that goes from 550 to their property. He stated that, for the record, that he has talked with John Stafford who represents Brookshires. They are not able to answer when they may be ready to locate here.

Mr. Berry stated that their intent would be to provide a left in left out, right in right out to access to the north side of their campus by providing a thoroughfare, if you will, off of 550 with the adequate distance that is in compliance with TxDOT standards to grant them the same. They are not in a position to trade, if you will, an access easement agreement to swap what we are going to provide for them, what's already existing and I would never want to misrepresent that. But with my recent conversations with Mr. Stafford, with Brookshires, they're not ready to commit to determine whether they need that easement or not. We are going to provide them a solution that suggests that they don't need that and as I testified earlier in the citizen comments, I think that Brookshires and I both are in agreement that it's a public safety concern to have parking spots that would potentially back into that access easement in the event that Brookshires chose to procure the same and we are trying to provide for you our site plan that suggest that it's not necessary.

Mayor Pro Tem Balkum as if he is saying that you're going to improve the possibility of having a traffic hazard or traffic catastrophe by being so close towards the edge of 205 by 550.

Mr. Berry replied that he doesn't know that it's his place to say that. None of us have officially gone through TxDot permit process. He thinks they have a few anomalies in place here. They've got Cattle Baron Drive, for example, that's a private road that's not a city-owned road and we have property that's immediately adjacent to it and we need ingress and egress to same into our own. We obviously need a thoroughfare for emergency services via a fire lane that will be a minimum of 24 feet to accommodate same that we will work with your local authorities to accommodate.

My conversations, in short, with TxDot have been that we feel assured that we are going to be granted the right of ingress and egress for same off of 550. Our intent is that we provide both left in left out and right in right out for same. Our intent with our proposed site plan here is to do our best to align with what Brookshires originally proposed to you guys some years ago with their site plan to be an alignment for same. That's what we're presenting to you tonight.

City Attorney Halla recommended to the Council that they not make any comments or any affirmative statements of any kind at this time.

- 7.6. Discussion and action appointing a city representative to the 2024 Facilities Bond Committee to ensure a comprehensive and community-driven approach to address our student growth.

Mayor Short received a letter from Rockwall ISD stating that the Board of Trustees has established the 2024 Facilities Bond Committee to ensure a comprehensive and community-driven approach to address student growth.

They stated they would be honored to have the City of McLendon-Chisholm represented on this committee by a City Council member or a designated city staff member.

MOTION: APPOINT COUNCIL MEMBER HOFFMAN AND MAYOR PRO-TEM TO SERVE ON THE RISD 2024 FACILITIES BOND COMMITTEE.

MADE BY: Council Member Tucker
SECONDED BY: Council Member McNeal
APPROVAL: Unanimous

Council Members Hoffman and Mayor Pro Tem Balkum were selected to serve.

- 7.7. Discussion and action for an approval for an Annual Review for statutory city staff to be conducted in January (June) 2024.

Mayor Pro Tem Balkum explained that in the past, she used to participate in council where we actually review our staff and we haven't had staff review. This needs to occur prior to budget in order to consider rewards and incentives doing a salary increase, things of that nature. So, we want to do our due diligence on our end to make sure that we are setting our staff up for success. So Mr. Konrad Hildebrandt, our City Administrator, was able to provide some performance review samples. I would like to be able to do this for our staff and second I would like to be able to choose a form that y'all will feel comfortable with or think that this is the best to use for evaluations.

MOTION: DISCUSS AND APPROVE AN ANNUAL REVIEW FOR STATUTORY CITY STAFF TO BE CONDUCTED IN JANUARY 2024

MADE BY: Council Member McLendon

SECONDED BY: Council Member Hoffman

APPROVAL: Unanimous

8. Executive Session

- 8.1. Adjourn into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.071(1)(a) Consultation with Attorney: Discuss the status of the City's current PUC application as it relates to RCH and any water issue as it relates to the PUC application and/or negotiations with RCH.
- 8.2. Adjourn into Executive Session (Closed Meeting) to reconsider approval of a zoning district change as requested by Greenbriar Homes from the SF 2.5 residential zoning district and a GB General Business zoning district to a planned development district for the development of three single-family lots with a minimum lot size of five-acres of land and approval of one five-acre lot for a self-service [mini] warehouse facility.
- 8.3. Adjourn into Executive Session (Closed Meeting) to reconsider approval of a request by Oak National Development, LLC to change the existing planned development district on approximately 148.25 acres of land from the current zoning district of Planned Development District [Triple Creek] to a new Planned Development District [Legacy Park] containing 335 single-family residential lots and a city park. The Rockwall Central Appraisal District Property identification numbers are 11447 and 11438.
- 8.4. Adjourn into Executive Session (Closed Meeting) to consider approval of a request of MFS Group, LLC for the approval of a final plat for a one and one-half acre tract of land located at the southeast corner of the intersection of FM 550 and SH 205 identified as Lot 1, Block 1 of the SH 205/550. The Rockwall CAD number is 101321.

Mayor Pro Tem Balkum adjourned the meeting into Executive Session at 7:50 p.m.

8.2. Reconvene Regular Meeting

Mayor Pro Tem Balkum reconvened the regular meeting at 9:11 p.m.

8.3. Executive Session Action

No Action

9. UPDATES, DISCUSSION AND DIRECTION TO STAFF

No updates, discussion, or direction to staff.

10. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 10.1. Mayor Short – Absent
- 10.2. Mayor Pro Tem Balkum – Announced a workshop to be held with the City Council and Planning & Zoning Commission and asked Council to submit items they would like to have addressed. Kick off for architect for Heritage Center.
- 10.3. Council Member Tucker - None
- 10.4. Council Member Hoffman – None
- 10.5. Council Member McLendon – None
- 10.6. Council Member McNeal - None

10. ADJOURN

There being no further business to discuss, Mayor Pro Tem Balkum adjourned the meeting at 11:14 p.m.

APPROVED:

Mayor Pro Tem Balkum

ATTEST:

Rochelle Green, City Secretary



**CITY COUNCIL MEETING
CITY OF McLENDON-CHISHOLM, TEXAS
MEETING MINUTES
JANUARY 9, 2024**

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, January 9, 2024, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Adrienne Balkum	Mayor Pro Tem
	Floyd McLendon, Jr.	Council Member
	Daniel Tucker	Council Member
ABSENT:	Bryan McNeal	Council Member
Staff Present:	Konrad Hildebrandt	City Administrator
	Shelly Green	City Secretary
	Asa Woodberry	City Planner
	Michael Halla	City Attorney

1. CALL TO ORDER

Mayor Short called the meeting to order at 6:33 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Council Member Tucker delivered the invocation and Council Member McLendon led the pledge of allegiance to the U.S. and Texas Flags.

3. RULES OF DECORUM

Mayor Short announced the Rules of Decorum are in effect and are to be observed throughout the meeting.

4. CITIZEN COMMENTS

Trudy Woessner, 43 Fireside Dr. Hi guys, Trudy Woessner, 43 Fireside Dr. I wanted to hit on a couple of things, one of them is letters to the council. I have written a couple of letters to you, to the council and staff and I haven't received anything. I would like to at least get an acknowledgement such as I hear you and thank you for your concerns. It's been a few letters, and I would like to hear that so if I need to resend them I can, so if anybody hasn't received my letters that would be awesome. Maybe you got me blocked, who knows.

Okay, the other thing is I've heard rumors about our comp plan, and I want to address that and I'm a little discouraged on both ends which would be the citizens put our comp plan together the citizens went by the surveys and the comments of what our citizens wanted. I'm a little bit concerned on why we are harping over words. We all know what the citizens wanted. We all know what they mean but we are allowing to be and I'm going to use this as very harsh bullied by developers coming in and telling us what our comp plan should say and mean and I'm going to say just outright shame on you for doing that, for saying that you want to sue our city because of the wording or because they're not getting their way and I'm going to say shame on you, you guys are my friends, you've been my friends but shame on you, you guys have done so much for our city and it is an awful shame that you are going down that route. And I'm also going to say shame on my city council for allowing it. So please, you know what our comp plan was meant to say, you know what was meant, what the citizens wanted. Pull up your pants and stay true to it. If they want to sue that's all on them, if they want to stoop that low after what they've done such a wonderful job in our city, let them stoop. But this is ridiculous, that's all I have to say.

Bart Davenport, 14111 Inwood Rd., Dallas. I live in Heath Texas and my family has property here, Triple Creek Ranch in McLendon-Chisholm and I'm just up here to talk about 6.4, the property for rezoning there on League Road. From everything I've seen it appears to be a thought-out plan, it fits within the Zoning for the district for commercial as they go to widen 205 there's a lot of that frontage there that's going to get lost, a lot of that developable property that's going to get lost. We're going to need to spread back a little bit and if you look directly across the street from it, there's the Rockwall County Emergency tower that lines up exactly with where they're dividing the commercial into residential. So I think they've thought this through pretty well, looks like they're going to, they're going to do a lot of nice landscaping and we've seen self-storage around in a lot of places that look very, very nice today. It's not like what it used to be back in the day and there's obviously a desperate need out here too, I mean Americans are the worst about buying more than we can handle and needing to put it somewhere.

We're going to need to continue to try and bring in commercial property out here in McLendon-Chisholm. You know we are going to need that tax base; we're going to need those services, and this includes one of those services that is needed. So, I'm here to let you know that my family and I are in favor of it. We think they are doing a good job. We think that between that and the residential proposal that they've put forward that it's going to look really nice and be a nice addition to the community and help the community service in the future. Thanks.

James Adcox, 212 Adcox Ln., McLendon-Chisholm. I'm here to talk about item 6.4 again. So, we have gone over this several times and we come back to it again. Looking at the infrastructure and surrounding areas around our neighborhood road, League Road, you can actually see that it's in serious need and in terrible disrepair. There is currently a very large pothole right there at the corner that needs to be addressed. We are already talking about a road that under current traffic cannot be maintained regularly.

Through our research of these mini storage personal storage properties some of these properties are accessed as many as 20,000 times over a six-month period that, averages out to about 3,500 trips per month that's already going to be used on a road that's already taxed. This type of development doesn't fall within the spirit of a comprehensive plan. We've already had to make all

kinds of Special Districts, make all kinds of exemptions, extend property lines, change this, change that. If it was such an easy thing to do, then why do we have to make all of these compromises and changes and different things? Along with that, the other thing that gets talked about a lot is the tax base. It's going to do this, it's going to do that, it's going to raise \$100,000 in annual taxes and whatnot. If you go through and you do the math, you know property taxes is one aspect where you know the property will generate money for the city. But of that overall amount, how much of it actually comes back to our city?

We talk about sales tax. Well, on storage you can only collect sales tax on registered vehicles and such, so personal property has no taxable value to the city, so say there's 20 spots that are rented fulltime, you know \$8.25 is tax collected roughly \$2.00 in change would go to the city, so you're talking, you know, \$25 a month in revenue for the city per month. So, for me it doesn't seem like much of a boom to the economy for our city to have a few dollars and change the entire landscape of a neighborhood along with that.

I understand that, you know, Ryan has gone to great lengths to, you know, try to make this a very appealing project. To do landscaping and fencing and all these other things. The resounding feeling that I've gotten from all our talks, from my neighbors and in my neighborhood, is that it is not something that we want in our neighborhood and I implore you to look at the spirit of the Comprehensive Plan, to look at all of the hoops that we have to go through to make this a thing and see that it is not the practical or the wise thing to do. Appreciate your consideration. Have a good evening.

Sandra Webb, 912 Hamilton Ct. MC. My husband served on the P & Z board for 10 years, my husband and I attended and participated in local church for many years. My daughters-in-law have all been either teachers or active parents and PTA's in our school district and my grandchildren have grown up in this community. I've heard other citizens say that Ryan is an outsider trying to hurt our community by the project, but I believe that this is not true. His project is mostly large lots for custom homes which everyone says they want. Ryan builds a nice custom home, and these homes will improve the community. He's trying to open a business in the commercial corridor because he sees a need for local businesses in our town and thinks this business will be successful. I know that I and other citizens want more businesses so that we don't have to drive to other cities to get what we need. He has repeatedly cooperated with the city planner and council to make the project fit the requirements of the city. I support his project on League Road and ask that the council approve it tonight. Thank you.

Brent Cornish, 250 League Rd., Rockwall. I'm confused, I have to ask you, the last time I was here, this was voted unanimously, by 5 council members, to be put to bed, and it was supposed to go back to P & Z. The confusion lies in why we are back here again, beating up on the same stuff. Are you able to answer? (Mayor states: we cannot answer) You can't answer me, okay. Well, the next question then is going to go as a rhetorical one too. What would entice you to bring this back? (Mayor: I think that will be explained when we get to the agenda) Okay very good. So, who runs the city, does a city council run the city and the P&Z board or do outside interests run the city? Ones that don't even live here and have no interest except to make money off of McLendon-Chisholm. This has gotten to be so convoluted that it actually stinks of corruption, conflict of interest and underhandedness. My opinion, it's been going on way too long. Please take the advice of the P&Z to deny the request without prejudice and send it back to the P&Z. Thank you.

James Adcox II, 654 English Road, Rockwall. Listen, it's pretty simple, as you know my name's James Adcox and I live at 654 English Road and I also own the corner of 205 and League Road. Every single neighbor that lives in our neighborhood is opposed to this project, 19 letters were sent out and 19 came back opposed. The P & Z committee said it doesn't fit, doesn't work with the comp plan, they said no and it still almost passed several times. I get it, mini storage facilities probably are better than they were in the past, but nothing good happens there. I have friends that own them, some of the horror stories are just incredible. You can even go on google and you can buy a fake lock, so it looks like it's locked so you can live in there. If you don't live in the neighborhood, you really shouldn't be speaking about what's good and what's bad because we drive on that road every single day, my grandkids are going to drive up and down that road every single day. Both my sons live on Adcox Road in McLendon-Chisholm, and you can throw a rock from their house and hit my house. We're invested in this city, I hope I can build something the city can be proud of on my corner when that time comes and I've got architects working on it now, I put it on hold after all this stuff started happening. But follow the comp plan and listen to your citizens, I mean we love McLendon-Chisholm. We want this place to be a dynamite place to live and this project just doesn't fit. Residential, I don't have an issue with, but a mini storage facility just doesn't work. Here is the country, if you need more storage, you build a barn. Thank you very much.

David Black, 1419 Siena Ln., McLendon-Chisholm. These are comments for 6.1 the development agreement with DR Horton. I could not find discussion on the first reading of October 24th of last year in the minutes. There were minutes published but nothing for this item. The entire packet for it was only 8 pages. Today's packet for the second reading is 70 pages and so I can't go through all my questions in 5 minutes. But I'm hoping that there'll be during your discussion that you guys will go back and forth and will illuminate what the latest updates are and things like that. The consent to annexation section 2.3 agenda packet page 62, it is all capitalized and in bold font to make sure you know it, it seems to be a mandatory annexation of the property into the city limits. This seems contrary to the first reading where annexation was optional. It said the city will have the right but not the obligation to Annex the property into the corporate limits of the city upon owner's receipt of 100% of the reimbursables due to owner by the MUDs, unquote. So I just, I'm curious, River Rock is approximately 5,000 to 6,000 homes from what I hear. That is about 2 to 3 times the population of our city, and I'm wondering, will the MUD supply everything? Security and water? It looks like our city will contract with River Rock for fire and EMS. They've worked with Blackland and I assume they can contract with the sheriff to get the best deal for security coverage but you know, whatever. Nevertheless, as a small city, can we support many thousands more citizens like this? I mean they're going to be there obviously, they're in the ETJ, they're going to be there with their high density lots, but I don't know if we want to take responsibility for all those people. We already have to prepare for the 1700 homes from the Trilogy development. Anyway, regardless of the annexation, do we have a plan to deal with the intersection of Wallace Road going down to Edwards Road? Since Wallace Road bisects the development, what will be, what will it be like for River Rock residents to get to SH205 via League Road. I think it will impact Sonoma Verde residents too. It seems it could be very heavy. The actual placement of the future outer loop is not placed as far as I know. There might be a council member that knows about that. Oh, that's it.

Linda Fite, 1150 Frontier Trail, MC. My name is Linda Fite and I live at 1150 Frontier Trail, which is right by League Road. So, this is definitely my neighborhood. I first want to start by thanking the council members that supported us in the last meeting to deny this. I'm talking about Greenbriar Homes mini warehouses facility. So, we do appreciate your support. I would like to take this opportunity to say I looked at the McLendon-Chisholm website and I found the best comment there that really supports me and my neighbors that are here today. It says people talk to each other and band together when it's needed. It's needed, we do not need a mini warehouse facility in a residential community. Yes, there is a tower there but that's for emergency support. That's not a commercial building with access 24/7, with lights all over the place. It's a neighborhood and it goes right down League Road, runs into Edwards Road. We have all the houses there, we have Sonoma Verde there, it would bring in so much traffic. From 550 down Edwards from 548 down Edwards, back down League, and we're a little residential neighborhood. It is not in the comprehensive plan to have that type of facility. The entry is on League Road, it's not on 205. So to me it is just a terrible fit and I don't think we should allow that to happen. So, I request today that you deny the requests for the mini warehouse facility. Thank you very much and I also agree with all those statements that my neighbors have made.

Mary Strauss, 501 League Rd., McLendon-Chisholm. Good evening, Mayor Short, Mayor Pro-Tem Balkum and fellow City Council members. Thank you once again for allowing us, the League Road Community to afford the opportunity to share with you our strong opposition towards the zoning request for commercial warehouse buildings on our residential street and community, for this we are most grateful. I do not believe at this point that it is necessary to cover once again all the numerous and valid reasons as to why this zoning request is so extremely unwanted by the majority of those who it would most definitely and severely impact. The citizens of McLendon-Chisholm have already established this by the overwhelming number of those, including myself, who have presented authentic protests, concerns, disapproval, and general opposition to this problematic, potentially disastrous and unwanted zoning request. However, what I certainly believe is most important here tonight is how the objections to this request were heard and received at the previous council meeting. Ultimately, the voice and will of the people prevailed over the financial interests of one individual. After all, the true essence of the government process by which our country was founded in a social contract that consists of elected officials and citizens working in cooperation for the good of the community represented. The results of the December 12th city council meeting, shown by denying this request, show the voices of the people truly do count and matter. We have to believe that this decision was based upon the aspects so many of us presented over the course of many city council meetings. This type of commercial warehouse business can be associated with disruptive, negative, and potentially dangerous consequences and absolutely does not align or belong within our residential community. Above all and most importantly, the opposition of the people was respected, received, and accomplished. It is now my understanding that Mayor Short has placed the zoning request for reconsideration tonight. We, the citizens of McLendon-Chisholm and the residents of the League Road community ask each of you to once again hold yourselves to the high standard and the responsibility your position requires. Take into consideration the people you represent, care so passionately about seeking to preserve. That is, we the people do not want this commercial zoning request to pass. We respectfully ask you to deny the request for commercial warehouse buildings with prejudice. Thank you all so very much.

Alvin McGill, 401 League Rd., McLendon-Chisholm. As a community we have spoken to you about being opposed to change portions of League Road to commercial. We presented to you in

November and December our concerns and reasons as to why we strongly object to this change and here are a few of those concerns. Safety Zones, Traffic, Crime and Environment. We also provide excerpts from the McLendon-Chisholm comprehensive plan dated 2021-2040 that are related to those objections and concerns of the community. The environment of our community has already been seriously changed. There is no more open space, peace and clean air or quietness. To add a commercial area on League Road would be even more traumatic to our community environment. So, we ask that you Deny or oppose. Thank you.

Judy Moss, 525 League Rd., McLendon-Chisholm. I'm sorry, I was going to do the short version but since you're here I'm gonna do the long version. My name is Judy Moss and I live at 525 League Rd. I have lived there for 30 years. First and very importantly, I would like to thank all the council members who voted to reject the request for the mini warehouse at the last meeting. All of us appreciate you listening to us and researching where we live and how this wouldn't be a good fit for McLendon-Chisholm.

Now I have questions. You don't have to answer yet. Why are we here tonight on this same issue? I was at the last meeting and heard that the mini warehouses were rejected by all council persons. They directed staff to send it back to the P & Z board for that lot to be changed and designated for houses. The mini warehouse was out. Even Mr. Webb agreed, sending it back to P & Z was at the recommendation of the city attorney to be tightened up and streamlined. Did you forget your words, Mr. Holla. I encourage you to review the streaming of the previous meeting to refresh your memory. So why is this on the agenda before the P & Z board has had a chance to even meet. This application has been revised multiple times, there have been many changes, all against the comprehensive plan, the city codes, the P&Z recommendations. There were deviations to accommodate. The mini warehouse revise, revise, revise. They are breaking all the rules. Your consultant Mr. Coker and the city attorney, Mr. Holla, seem to me to be doing everything they can to accommodate this project. What did they or Mr. Webb promise to get this brought back?

And to my neighbors in Heath, this may seem like it is a wonderful thing to you, but you know, you don't live here, and you certainly don't live on League Rd. and that's our Neighborhood. We don't live in a fancy development, but we have our neighbors and we have lived here a long time, and we appreciate it. If you want one, get it in your neighborhood. I'm sorry, I'm just kind of blunt. The builder, the consultant, the attorney, and many of the city's employees don't live in McLendon-Chisholm. Why would they care? They don't care what happens, but you do and I thank you for that.

Why should you have to do this again when it has already been done. I ask you to reject this request one more time and return it to the P&Z with the decision you made at the last council meeting. Just for residential. The mini warehouse is out. Mr. Webb can build his homes with 2 ½ acres as long as he stays within the guidelines of the city. Do you know what a mini warehouse is? Mini warehouses accommodate possible individual small businesses and will have a walk-in door and suite number to go with the address and a garage type door. That's what a mini warehouse is. Each unit can have its own electric meter to be addressed to the street and the suite number. Check with your electric provider to find out if that is true. Mr. Webb presented a long list of negative and illegal issues, issues associated with mini warehouses. Some within 10 miles of McLendon-Chisholm. Surely, you can't ignore those issues and think because we live in a small town it can't happen here. Yes, it can, everything can happen here. Questions remain, who will manage those

200 to 300 units? Who will watch the contents as it is being unloaded? How will the property owners be affected by the rainwater draining off of all the concrete. Have you ever thought about that? Mr. Webb said there would be 2 driveways on either end. What could possibly go wrong? Quote Mayor Keith Short in the Blue Ribbon news, March 31, 2021, not too long ago. "Going to make sure we get what we want and don't waste the land we do have on things that are not best for our community" This is not best for our community. That statement says to me that you will do what is right for the citizens of McLendon-Chisholm. This is your town too. Thank you so much.

Ryan Webb. I requested the presentation at the agenda item and was told I had to speak in citizens comments. So, I can speak at the agenda item? I started looking for self-storage land in the city over a year ago. I have been communicating with the city staff since 2022 about the idea of building a self-storage facility. I've had many conversations, emails and in person meetings with City staff, especially the city planner, about this project. I was told self-storage was allowed but with the correct zoning.

The city staff and some local commercial developers that own land on 205, also gave me some criteria early on about what would likely be approvable. I was told 3 things that would determine my selection of this land. 1) that the direct Road Frontage on 205 would be undesirable because it would be too visible for Self-Storage. 2) that self-storage shouldn't back up to an existing residential subdivision and 3) that the intersection at 205 and 550 is being reserved for certain businesses. So with those criteria in mind I saw the available properties on 205 didn't fit the mold.

When I found these 20 acres for sell, I decided, I saw it checked all three boxes. 1) I could keep the self-storage in the commercial zoning area and keep its visibility low by being tucked behind other commercial lots on 205 and use the tree line between the existing commercial lots in this property as additional natural screening. 2) I wouldn't be putting the Self-Storage next to an existing residential subdivision as I have 16 acres of raw land between lot one and the nearest residential subdivision, which is over 1300 Ft away from lot one, and 3) I wasn't taking any of the prime real estate spots on the intersection of 205 and 550, allowing the city to hold out for more selective options for the city center. So, this location really is the best fit scenario when you look at the available land, the commercial corridor and the proximity to the nearest residential subdivision.

I had a slide; it showed the intersection of 205 and 550. It showed the commercial corridor and all the lots that are available in that section and none of them fit that criteria. I have to put it directly facing 205 which is the largest visibility, or I have to put it backed up to an existing residential subdivision, which those citizens would then be here saying they don't want commercial behind them. I'm asking this city if y'all want the commercials to be filled. I mean y'all created a commercial corridor, I came in with a business plan for one commercial lot and I tried to fill the rest of the land with the large 2.5-acre residential lots which is, since I've been in these meetings, I'm the only developer trying to build large lots in the city. So, I think that this project gives most citizens something they want from a development. The citizens are getting the 16 acres of large residential lots to keep the country feeling and preserving their rural atmosphere in the residential zones. These 6 lots represent 80% of this project and are the only part of the project near the Frontier Trail subdivision. These estate sized lots are also appealing to the professional pride citizens giving them custom home options on large lots. Nobody else, since I've been here in these

meetings, and have presented this large of lots for residential. Soccer moms and professional pride citizens are getting a new business service from lot one which makes their lives easier with less commuting to other cities for all the needs and services they don't have provided in the city.

The population of this city has been exploding and it's all residential and there are no services for them in town. Everybody leaves 205 and 550 to get all their basic needs and services and while that is very much OK for the green acres' citizens, The professional pride and the soccer moms really don't want that. So, I'm asking you to consider the big picture for the city development. If you have a commercial section of the city and you have a business applying for that commercial use, why are we going to reject it? Not everyone is going to use the service, I understand that. Nobody's going to use every business service. So, you have commercial zoning, I went and bought land within the commercial zoning, and I am asking for a commercial business. I'm also offering all the residential lots as a buffer. I offered the screening wall as a buffer, I offered 6 ft wide of the tree on the right-side property line as a buffer for more screening, I offered stone on the front elevation, fence, large trees, bushes, whatever Mr. Coker asked of me. I said OKAY, I said yes to whatever y'all wanted to make it work.

This is the 3rd meeting we're presenting or trying to have presented this project for approval. The first one, I got a single majority for approval. Then it was taken away for an improper voting requirement. The second council meeting was not voted on to denial unlike some people have stated here. And so, I believe that's why we're here today, is to finish up the business. This is the same concept plan, the same building standards that I have presented since November to this council. It was only ever a revision of the lots in P&Z meeting by Mr. Coker's own request. It was not on my own and so I did not ever make a change to this present, to this concept plan other than what Mr. Coker requested me to do in the P&Z meeting before the P&Z council voted and so the city council has only ever seen this concept planned and I've asked you to vote for it.

Bev Stibbens, 279 Partridge Dr., Rockwall. Good evening, Mayor Short, Council and City Staff. My message to you this evening is simple. Shame on you. And Trudy and I did not compare notes beforehand.

The county of Rockwall celebrated their Sesquicentennial or 150th birthday last month and this city and its residents are the only municipality or group who did not provide something for the time capsule. Why? Council, do you think so little of the people who elected you, oh wait, most of you ran unopposed and didn't have to ask for a vote. Staff, do you think so little of the citizens who pay your salary? How will the citizens of the future feel when it is open, and they were not represented. Shame on You.

When I moved here in 1980, McLendon Chisholm was the joke of Rockwall County. We were never taken seriously as a city. It took a lot of hard work and determination by those who came before you to be taken seriously in this county. Congratulations. You have just placed up back there. Shame on You. Keep approving developments that go against the city comp plan, which was created by a group of citizens, i.e. Voters. Why was so much money and time spent on the creation of it done when it was going to be blatantly ignored. The vision for the Heritage Center is not what you approved at the last meeting. Shame on You. It is almost filing time for the upcoming 2024 elections. I would think twice before placing your name back on that ballot. Thank you.

Mayor Short closed citizen comment at 7:17 p.m.

5. CONSENT AGENDA

5.1. 2024 City Council Calendar

5.2. Consider approval of the October 24, 2023, City Council meeting as corrected.

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED

MADE BY: Council Member Balkum

SECONDED BY: Council Member Tucker

APPROVAL: Unanimous

6. ITEMS FOR CONSIDERATION AND ACTION

6.1. Discussion and action regarding the Development Agreement between the City of McLendon-Chisholm and DMDS Land Company, LLC

City Administrator Hildebrandt presented his staff report on this item:

Agenda Item: Review/Action – 2nd Reading – River Rock Development (DR Horton) – Overall Development Agreement (DA).

Background: The City Council has previously reviewed the proposed development agreement for this project at its October 24, 2023, City Council meeting.

Principals for the River Rock Development (DR Horton) have taken feedback from the City Council (first reading comments and requests) and have created a final agreement with the updated changes requested by the City Council.

The enclosed DA has also been reviewed for legal correctness by our city attorney.

This development is in our Extra-Territorial Jurisdiction (ETJ) and will be completed (with or without an agreement). This development agreement allows the city to have some say in the overall final product and provide additional and ongoing increased revenue to the city.

City Attorney Halla stated he does believe it's better to have some say than no say. This allows us to have some control over land use by contract. That's one thing that I think is very important to mention. And then, second, I know there was one question about the annexation language, I don't know if there were other questions but that's the one I remember from the audience, the annexation language in a way is superfluous because annexation has to be done by ordinance. So that means it's a legislative act. In a way it doesn't really matter what the language of the agreement is, no one can force the city council by contract, by agreement, by any way to annex or not annex property. The only way we can do it now as general law is by the volunteer petition of a property owner. It doesn't matter what's in that agreement. It's completely and totally up to council whether

or not they want to, by ordinance, approve that petition or not. So, I want to address that concern that that's not really a concern because you can't agree to annexation in the development agreement the same way you cannot agree to zoning because that's a legislative act. Zoning by contract is specifically illegal.

MOTION: APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCLENDON-CHISHOLM AND DMDS LAND COMPANY, LLC.

MADE BY: Council Member McLendon

SECONDED BY: Council Member Tucker

Mayor Pro Tem Balkum pointed out that the Interlocal Agreement that was referenced was dated back in 2013 is that they need to start revisiting some things to go through the bullet points about updating that information. She asked the attorney if he thinks that that is prudent to do that because of the platting issue. Should that be done at the city level since there's also building permits and inspections and all that. Is that something that we should be concerned with.

City Attorney Halla responded that is a good question because in 2013, I remember around 2020 we had somebody from County come in and wanted to talk to us about an agreement. Cities and Counties are required to have an agreement in place. He stated he always wants us to have control of plats in our ETJ. He wants our subdivision ordinance to be enforced in our ETJ. That protects the citizens. It's not there for the benefit of the ETJ people, it is there for the benefit of the citizens, it protects them. He doesn't want the county to have that responsibility or that ability. If we don't have an agreement in place, I would want the latest version. I would say approve the agreement subject to the latest version of the Interlocal being in there and I would think if they're doing a development agreement with us and they are going to rely on us, they would want us to be in control of all that as well.

Josh Bethke, attorney with Coate Rose, the attorney that represents the muds here as well as the developers to this agreement. A couple of things that I wanted to address, one of the things you mentioned about annexation, we wholly agree with that 100%. I think there was someone maybe a little bit confused thinking that the language in here was a requirement on the city to annex the property into the corporate limits. What it does, and what the intention is what it states is that this developer signing this petition constitutes a petition for future voluntary annexation into the corporate limits of the city. Without that petition language in this agreement, it would be several years down the line you'd have to go knocking on doors to get people to sign petitions to bring the property into the corporate limits of the city. He thinks the big thing for the city here is that it's kind of free tax base once the property is developed, the developer is out of the picture. That language in here allows for you guys to have a mechanism for annexation but not a requirement for annexation. He also pointed out that they have language in the development agreement that contemplates the reworking of the interlocal agreement.

AMENDED MOTION: APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCLENDON-CHIHSLM AND DMDS LAND COMPANY, LLC, SUBJECT TO AMENDING SUB-SECTION 4.4 AND ARTICLE 5.

MADE BY: Mayor Pro Tem Balkum
SECONDED BY: Council Member Tucker
APPROVED: Unanimous

7. Executive Session

- 7.1. Adjourn into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.004(a)(1) Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Council Member

The Council recessed into Executive Session at 8:17 p.m.

7.2. Reconvene Regular Meeting

Mayor Short reconvened the regular meeting at 9:11 p.m.

7.3. Executive Session Action

No Action

6.2. Discuss and action regarding filling the vacancy of Council Place 1.

City Secretary Green presented the staff report on this item:

Background: In the event of a vacancy, or vacancies, for any cause in the office of mayor or councilmember in a Type A municipality, such vacancy, or vacancies, may be filled in the following manner:

- 1) A single vacancy may be filled by: (a) appointment by the city council, with the mayor having a vote only in the case of a tie, or (b) the city council may call a special election to fill the vacancy. Tex. Loc. Gov't Code §22.010. A person serving as a city council member is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor, but the council member may not vote on his/her own appointment. Tex. Loc. Gov't Code §22.010.
- 2) If two or more vacancies on the city council exist, the city council must call a special election to fill the vacancies Tex. Loc. Gov't Code §22.010.
- 3) If the voters have previously approved terms longer than two years for any elected or appointed officer, then a vacancy must be filled by election. Tex. Const. Art. XI §11. Texas Gov't Code §22.010(a)

- 4) If a vacancy cannot be filled as provided above, the commissioner's court of the county shall order an election if petitioned to do so by at least 26 taxpaying voters residing in the municipality. Tex. Loc. Gov't Code §22.011
- 5) The person appointed to fill the vacancy serves until the next regular municipal election. Tex. Loc. Gov't Code §22.010(b)

The Council discussed the various methods of filling this vacancy, and it was decided to fill the vacancy through appointment.

MOTION: APPOINT PAUL DAY TO FILL THE VACANCY OF PLACE 1 UNTIL THE NEXT REGULAR ELECTION IN MAY.

MADE BY: Council Member Tucker
SECONDED BY: Mayor Pro Tem Balkum
APPROVAL: Unanimous

- 6.3. Discussion and action regarding approval of a preliminary plat that provides for the development of 83 single-family lots each with a minimum lot size of one-acre of land on 99.544 acres of land located on the north side of FM 550 across from City Hall.

City Planner Woodberry presented his staff report on this item:

Location: On the north side of FM 550 across from City Hall.

Legal description: 99.544 Acre tract of land, Lester Easterwood Survey, abstract No. 79, Rockwall CAD Property ID # 10767

OWNER: Terrel 176 Partners, LLC
PO Box 818
Terrell, TX 75160

Contact: Russell Phillips

Applicant: Ricardo Doi, PE
Petitt-ECD
1600 N. Collins Blvd.

REQUEST:

The applicant is requesting approval of a preliminary plat that provides for the development of 83 single-family lots each with a minimum lot size of one-acre of land on 99.544 acres of land located on the north side of FM 550 across from city hall.

STAFF RECOMMENDATION: Approval. This application is consistent with the approved Conceptual plan.

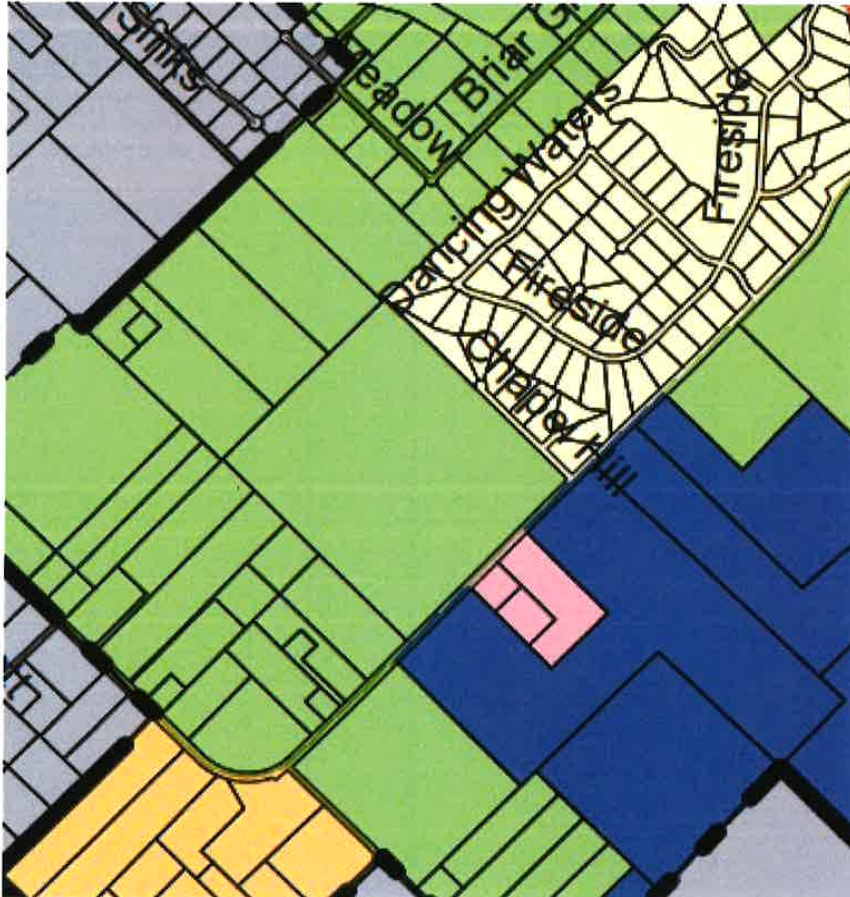
Concept Plan for Ridge Pointe Estates Planned Development District



BACKGROUND INFORMATION:

Current Zoning: A planned development district for the development of 83 single-family residential lots and two HOA [homeowner association] lots.

Previous Zoning Map [shows the property as originally zoned, without the PDD update]



Additional background information:

This property backs up to the Heritage Subdivision that has access from Pullen Road. The Concept Plan and the preliminary plat for this planned development district has a roadway connection to the Heritage Subdivision at Settlement Lane. Heritage Subdivision is currently having homes constructed and desires this roadway connection.

Developer, Russell Phillips, was present to answer any questions.

Mayor Pro Tem Balkum confirmed this is in the Highpoint Water District and he had contacted them for service. He affirmed this.

MOTION: APPROVE A PRELIMINARY PLAT THAT PROVIDES FOR THE DEVELOPMENT OF 83 SINGLE-FAMILY LOTS EACH WITH A MINIMUM LOT SIZE OF ONE-ACRE OF LAND ON 99.544 ACRES OF LAND LOCATED ON THE NORTH SIDE OF FM 550 ACROSS FROM CITY HALL.

MADE BY: Mayor Pro Tem Balkum
SECONDED BY: Council Member McLendon
APPROVAL: Unanimous

- 6.4. Discuss and consider approval of a zoning district change as requested by Greenbriar homes from SF 2.5 residential zoning district and a GB General Business zoning district to a planned development district for the development of three single-family lots with a minimum lot size of five-acres of land and approval of one five-acre lot for self-service [mini] warehouse facility

City Attorney Halla explained they this is on the agenda. I had a feeling that not all our citizens would be as compassionate and kind as Miss Linda was when she spoke. So I thought we should do something crazy, let's be transparent. Let's put it all out there. There's a ton of confusion. I'm sure the council has been accused of things, I'm going to be accused of things with no facts or basis whatsoever. So, I thought we should put this on the agenda because there's a bunch of confusion last time, there was no vote last time and I know Mr. Webb doesn't agree with everything I'm saying. But that's fine, I represent the Council. Y'all are who I represent, y'all are who I take care of. The first time, that vote's gone, ship sailed, it's done, there is no more three to two vote. Section 52.003 of the Local Government Code (b) and (c), the mayor does a written objection within four days of that vote, that automatically, the law says it shall, shall means there's no choice, it's got to be reconsidered at the next meeting. That means that first vote is gone, done. So, he doesn't have a three to two vote in his favor. If the Mayor hadn't done that written objection to the vote within the four days, then yes, that's fine, I have no problem with that. But that's not what happened, the mayor did do that within four days, so we put it back on the agenda. Again, there's a lot of confusion on what it was. Was it three one acre lots and there's talk about six two and a half acre lots. Nobody really knew what it was. The council didn't vote on anything. They thought, well, we're confused too. Maybe that's why I suggested to try and help everybody because it's about fairness to everybody. Give everybody a chance to give their mind, speak their mind, say what they want to say. That's what that's about is fairness because if you don't have fairness you don't have anything. So I appreciate the people that want to come in and listen and go wait, why is this on the agenda? There might actually be a good reason this is on the agenda. So that's why I said look, let's just put it all out there and let everybody see it. So we've got no more three to two vote, we've got it reconsidered. Maybe it's better. Well, then I found out since then, I've been told that Mr. Webb has withdrawn that application. I checked and confirmed, and I was told yes, in writing he decided not to go forward with the three five acre lots. Okay, that's a withdrawal, you're not going forward anymore, that's the withdrawal. There is no more three five-acre lots. My understanding is that it's now six two and a half acre lots. That's a very big deviation from three five-acre lots. I don't believe the council can vote on the six two and a half acre lots. The reason why is because I have 211.006(b) to 211.007(c) of the Local Government Code that backs me up on that. That's the law. It says you cannot have and vote on a zoning change until it's been noticed at least ten days prior to a P&Z meeting and at least 15 days prior to a city council meeting.

We've had no public hearing, no notice of any kind whatsoever, six two and a half lots. I'm not aware of anything. I confirmed with staff, we haven't posted, haven't had public hearings on six two and a half acre lots. So, I don't think we can vote on six two and a half acre lots because it would be in violation of the law if we did. Now, if he wants to withdraw that application, he can. As far as the three five acre lots that got the 3-2 vote, as far as I'm concerned from a legal standpoint, that's gone, that's history, because he's withdrawn. He wrote an email, said I don't want to go forward on that. I want to go forward with six two and a half. If he wants to go with six two and a half, that's something completely different. For example, if you go hey, I've got five, five-acre tracts and now I want to go three five acre tracts, that's okay. I don't think you need another public hearing for that, I don't think you have to notice, I don't think you need to worry about that because what you've done is the same thing, it's just smaller. Going from three five-acre lots to six two and a half, that is not the same thing. That is not subsumed, under contained in a smaller part of three five-acre tracts. It's something completely different. So, we haven't had any notice about that, we haven't had any public hearings about that, and we need to have public hearings about that. Today is a good reason we do that. So, there was no corruption or there was misunderstanding, there was confusion and I want to make sure it was all out there. As far as I'm concerned, the three five acre lots is done because that's been withdrawn. We now have on the table for this, but can't be considered tonight because we haven't had public hearing about the six two-acre lots. So, that's the facts I have, that's where, I think, we are.

Mayor Short asked where that leaves them on this tonight.

City Attorney Halla responded he doesn't think there's any action on the three five-acre lots, that's been withdrawn, so that's no longer a consideration. If he wants to come in and submit a new application to do it again, he can do that. Right now what we have is an email from him is six two and one half acre lots. That's still got to go back, and it's got to be noticed in accordance with law. You have to have public hearings, you have to put it in the paper, we have to have a hearing in front of P&Z, we have to have a public hearing before the council.

No Action Taken

8 UPDATES, DISCUSSION AND DIRECTION TO STAFF

No updates, discussion, or direction to staff.

9. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 10.1. Mayor Short – Reminded everyone to be safe during the winter months.
- 10.2. Mayor Pro Tem Balkum – She will be attending the upcoming RISD Bond Committee meeting on the 24th. Announced a workshop to be held with City Council and Planning & Zoning Commission on the 27th and asked Council to submit items they would like to have addressed. Appointments will be made to the City Events Committee at the next meeting.
- 10.3. Council Member Tucker – He has a road consortium meeting on the 17th.

10.5. Council Member McLendon – Reported that former council member Lorna Kipphut has agreed to carry out this project and new bricks have been installed.

10.6. Council Member McNeal – Absent

10. ADJOURN

There being no further business to discuss, Mayor Short adjourned the meeting at 8:48 p.m.

APPROVED:

Mayor Keith Short

Rochelle Green, City Secretary



**CITY COUNCIL MEETING
CITY OF MCLENDON-CHISHOLM, TEXAS
MEETING MINUTES
JANUARY 23, 2024**

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, January 23, 2024, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Adrienne Balkum	Mayor Pro Tem
	Paul Day	Council Member
	Floyd McLendon, Jr.	Council Member
	Daniel Tucker	Council Member
	Bryan McNeal	Council Member
ABSENT:	Keith Short	Mayor
Staff Present:	Konrad Hildebrandt	City Administrator
	Shelly Green	City Secretary
	Asa Woodberry	City Planner
	Michael Halla	City Attorney

1. CALL TO ORDER

Mayor Pro Tem Balkum called the meeting to order at 6:33 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Council Member Tucker delivered the invocation and Council Member McLendon led the pledge of allegiance to the U.S. and Texas Flags.

3. RULES OF DECORUM

Mayor Pro Tem Balkum announced the Rules of Decorum are in effect and are to be observed throughout the meeting.

4. CITIZEN COMMENTS

Gary Nickel, 612 Kentwood. Sorry, it was hard to understand back here. I'm Gary Nickel at 612 Kentwood. I would like to address item 6.6, the Kentwood plat issue. First question is, based on what we are finding, we are concerned about the date of when this must be acted upon. Everything that I have read and heard in discussion says that we have 30 days to disposition this topic, but it

doesn't say when the clock starts. So, I would like to know if there's any chance that we can still address this or if it is already a moot point.

The primary issue is that none of the residents of Kentwood were notified that this was even on the agenda for planning and zoning, so none of us heard that it was being discussed. Then I found out from the chairman of Planning and Zoning that the package was illegible and hard to read so they tried to defer it, but then ran into the 30-day limitation. So, there is a broad question about whether there is any chance that this topic can even be discussed. If there is, we would like to note that the applicant has a history of trying to subdivide their lot and put it up for sale, the empty lot up for sale. The one they are trying to separate; it has been listed on real estate for over \$500,000 and we're concerned that that may not be a buildable lot. But there are still a number of issues that we still have not resolved. Primarily with soil conservation. There is a lake there, that impedes on that property, and also whether it violates our homeowners' restrictions about subdividing existing lots. All of the residents that live in Kentwood were either original to the subdivision or moved in after it was established, and we were all under the impression that the subdivision was complete. It has a total of 20 homes and that was the way the plat for Kentwood estates was filed, as having only 20 homes and we expect that to be finished. It was done decades and now that someone is trying to add more lots to the subdivision it's disconcerting to us and we'd like to avoid that if we can. But our primary concern is that if this lot is unbuildable and they are trying to sell it to an unsuspecting customer/purchaser, they will have put \$500,000 into a vacant lot that is not buildable. It would just be a waste of their money and I don't want that to happen to anyone. Thank You.

Mark Kipphut, 31 Fireside Dr., McLendon-Chisholm, 75032. I'm Mark Kipphut 31 Fireside Dr., Thank you for the opportunity to address the council. Thank you each for your services to the city. I'm addressing the item 6.2 Triple Creek and I want to say out front, I have known the Davenports for several years, I've been to their home. They have a beautiful property, and they are committed citizens in our community, but I would just like to make three quick points. It is not 2006, sometimes I wish it was, I would be a little younger, but that's 18 years ago and our city has changed significantly since then and within this agreement, other critical items have changed and so this, I do not believe this is a minor amendment to the, to the development agreement and therefore should result in new application. We have a process in place. Pass through the process and I'm sure what will come out at the other end will be a beautiful development that everybody in the community can admire and will be a win-win for everybody. Thank you.

Frank G Giunte, 794 Kentwood Dr., Rockwall 75032. Good evening Council. I am a resident of Kentwood Estates, Gary Nichol is also a resident and he spoke first, regarding the replating of Kentwood 1, which is an area that I previously owned and sold to my 5 adjoining neighbors. Our concern for the community is several things.

1. It is in a soil conservation water area that has easements and restrictions for flood control. We are concerned that any of the buildings may disturb the flood plan and any of the geography for flood water dissipation should a flood occur. It would be right in the middle of our subdivision and the lake is involved. And if you look at the US Soil conservation criteria, their criteria indicate that no building can be in that area below the, the elevation that they say because it would need to be approved because it may disturb the flood geometry of dissipation of the water. Secondly, we don't know exactly for what the property will be used. Obviously

the replatting must have some purpose. What else it would be other than building, I don't know what else we would do. You would not replat that area unless you had some intent to sell it and develop it. Our deed which was signed Sept. 19, of 1984, which we are coming up on our 40th year puts restrictions on this, and the homeowner architectural committee gets to approve the various upgrades and buildings that go onto that. That is still in force and effect, and it has been filed, no one has modified it or changed it in any capacity. So, we're very concerned about that.

We don't know exactly what the property will be used for, but I can tell you that there are 20 residents, 8 residents will be touched by this project, myself being one of them, so we want to know exactly what will be done, and we also want to know to the extent that any consent has been obtained from US soil conservation and the water district or whether or not they can do excavation there also with the restrictions of the size of the lot which is 2.5 acres according to Rockwell statute and the deed restrictions for the size of the home with a 3 car garage not included, will make that very tight for the areas that we think would be logical for building, so that concerns us greatly.

I spoke with Miss Briana Harris who is with the US Soil Conservation. She gave me a copy of the soil regulations for modifying or excavating any of those areas and they have to be approved and consent has to be given for any building in the area. The outline of the property that's been proposed certainly is within the easement for the flood plain. So, we would like to hear of some kind of consent from the appropriate authorities that regulate that and maintain the water flood plain so that it is safety for all of us. (Mayor Pro-Tem: Would you, if you have that document, please give that to this...) I have it on my computer, I did not but I can pull it up. Okay, there is 2 documents to it, there's 2 portions to it. We would think that for what the intended purpose for which we do not know, the consent for what construction is intended or proposed should be presented to the board, should be presented to the water conservation committee to approve it for any building and that the homeowners that are involved, the entire neighborhood would be, but the 8 contiguous property owners, myself being one of them, are very concerned about this. Unless we know what's going to be a building there or how it's going to affect the overall usage of the property, especially the flood plain, we are very concerned and would ask that the board get some kind of consent opinion from the water conservation board personnel to know what exactly can be done and not be done and that we have an opportunity to rule on that and whether or not the board goes forward with the approval tonight, tonight at a minimum we would ask at least to delay the decision until consent and exact notation of what the project is going to be, where it will be plotted and how will it affect the adjoining properties. Thank you.

Bev Stibbens, 279 Partridge Dr, Rockwall 75032. Good evening council and city staff. I am here this evening to speak against agenda item 6.2, Triple Creek Amendment Clause. First, how can you amend a developer's agreement for a plat of land totaling 1583 Acres when the family no longer owns that amount of property. After the gift/sale of 15 acres to the city and the sale of 148 acres to the Legacy project only 1420 acres remain. No action should be taken until a new developer's agreement is presented with the corrected land amount. However, I understand this is my opinion. I realize we have not heard the presentation. But it is my understanding they are presenting tonight and if I'm wrong, I apologize. Tonight, a plan still showing 1867 homes on 163 less Acres with a negotiation of lowering the total number by removing the larger lots. The original agreement had larger lots on the perimeter to cushion the existing residents from the density.

So, if you choose to move forward tonight, please deny this amendment and ask for a new developers agreement to be presented. This is not a minor amendment. Thank You.

Anthony J Crawford, 104 Lavender Place, McLendon-Chisholm 75032. I too am speaking on the same items at point 6 .2. We are at a point in our city right now that we need to really look at development from the very beginning. This is an old agreement from way back in 2008, 2006 and we need to start over again to make sure that it's in line with what we are trying to do here. If we don't do this, the massive part of this development is going to increase a lot of our city services that we're going to need to provide sooner than when we can provide them. And so, I would say that you please deny it and start a new agreement. Thank you.

Michael Easter, 403 Wagon Ct, McLendon-Chisholm 75032. Good evening, Mayor Pro-Tem and City Council. I'm here to speak about 6.2. Unfortunately, I've learned more about what's being proposed by listening to three speakers up here I knew beforehand. And because the information relevant to providing meaningful comments was not provided as part of the packet, I'm not clear exactly what's being requested, how this is going to be viewed but from what I have heard, this is not a minor amendment. And therefore, I do agree with Mr. Crawford and Mrs. Stibbins and Mr. Kipphut that I don't think this is appropriate to approve.

On a couple of other procedural matters, at the last meeting, it was my understanding that Mr. Webb was advised by Mr. Coker regarding a property purchase. I'm not sure how City employees and staff are in the role of providing information and advice to prospective applicants particularly regarding property purchases, but it certainly seems to put Mr. Coker in a conflict of interest. Who is he beholden to? To the city or to the developer. At minimum it creates a reliance interest in whoever he's advising, and I don't think it's helpful and I think Mr. Halla ought to look into it. It may be legal, but I don't think it's a desirable sort of thing to continue. And towards that end, all of McLendon-Chisholm city staff ought to refrain from providing opinions in their professional capacity about what the city is going to do or not to do to potential applicants. Because for the same reason, it creates reliance interest on those people they're providing those, that advice and may raise a conflict of interest, and may result in additional liability. And at the end of the day all of the city employees are working for the benefit of the residence of McLendon-Chisholm, and they need to remember that when they provide advice to folks. Thank you.

5. CONSENT AGENDA

- 5.1. Approval of the Interlocal Cooperation Agreement between Rockwall County and the City of McLendon-Chisholm, Texas [DR Horton River Rocks development]

MOTION: REMOVE FROM CONSENT AGENDA

MADE BY: Council Member McNeal
SECONDED BY: Council Member Tucker
APPROVAL: Unanimous

Mayor Pro Tem Balkum asked Mr. Hildebrandt to give a report on this.

Agenda Item: Consent Agenda – approval of the Interlocal Cooperation Agreement Between Rockwall County and the City of McLendon Chisholm, Texas (DR Horton River Rocks development)

Fiscal Impact: NONE

Background: At our last City Council meeting (01/09/2024) the city council approved a Development Agreement with the DR Horton River Rocks proposed development.

Section 4.4 of this agreement references an Interlocal Cooperation Agreement between Rockwall County and the City of MC, TX.

4.4 Interlocal Cooperation Agreement with the County. The City agrees to work with the County in good faith to either (i) amend the existing Interlocal Cooperation Agreement between Rockwall County and the City of McLendon-Chisholm, dated November 12, 2013 (the "County ILA") for the purpose of clarifying which jurisdiction's development standards apply to the Property and which party has jurisdiction over various aspects of development of the Property (the "County ILA Amendment"), or (ii) approve a separate agreement expressly stating that the County ILA shall not apply to the Property and that development of the Property shall be governed exclusively by the terms of this Agreement (the "County Separate Agreement"). The City agrees that either the County ILA Amendment or the County Separate Agreement shall be completed within three (3) months of the Effective Date of this Agreement, unless additional time, not to exceed an additional three (3) months, is approved in writing by Owner. Should the City fail to enter into the County ILA Amendment or the County Separate Agreement within the timeframe contemplated hereunder, the City agrees that this Agreement shall automatically terminate, be void ab initio, shall be of no further force or effect, and the City shall immediately take action to remove all of the ETJ Tract from its ETJ in accordance with Section 42.023 of the Texas Local Government Code. The City further agrees that if it successfully completes the County ILA Amendment within the timeframe contemplated hereunder, (i) Owner shall have the right to unilaterally terminate this Agreement by providing the City with written notice of such termination if Owner determines that the County ILA Amendment is not to Owner's satisfaction, and (ii) if such notice of termination is provided by Owner to the City, the City shall immediately take action to remove all of the ETJ Tract from its ETJ in accordance with Section 42.023 of the Texas Local Government Code. If the Owner provides such notice of termination, the City and Owner agree to execute any additional documentation reasonably required to effectuate the termination of this Agreement and the removal of the ETJ Tract from the City's ETJ.

The Development Agreement incorporates the ILA with the DA approval. (Thus, the Consent Agenda). However, this ILA needs to be separately approved. (ILA Agreement Attached).

Mayor Pro Tem Balkum pointed out that City Attorney Halla said it is better for the city to have jurisdiction, not to say that the county is not going to be working with us because they too have information that they want us to include in these items when we go through it. So, we have

approximately three months to address that as far as the jurisdiction is concerned to meet those standards. She wanted to address that Item 1 in the ILA, which is attached in the packet, I highlighted something that I want you to hear the words, is "that the development of the property, the parties hereby agree that the ETJ agreement shall not apply to the property despite the fact that it is or will be located wholly within the ETJ of the city. The parties further agreed that the city shall have exclusive jurisdiction to regulate the development of the property in accordance with the terms of the development agreement including the city's authority to approve subdivision plats and to issue related permits within property." And so, one of the things that Mr. Halla was referencing at our last meeting is the importance of our involvement of overseeing that and having a say with this particular development. So, it's important that we are involved in. But we are working, thankfully our commissioner was here. He gave the impression, I felt, that it was in good faith and he's willing to work with the city. So, that's a bonus. So, we have some time for that. So is there anything else, Mr. Halla, that should be addressed as far as one of the benefits of having this agreement pass.

City Attorney Halla responded no; I think you've pretty much covered it in addition to all the fees would be coming to us. It's our subdivision ordinance that controls in the ETJ. We decide, obviously, what our subdivision ordinance is and we control those plats in our ETJ. So as Council Member Tucker is fond of saying it's better to have some control over ETJ than none.

Mayor Pro Tem Balkum stated, just to answer one question, is that this is not inside the city limits, and we need to address them, you know there is a debt and I think it's until 2040 or something, before they even pay off all the cost for that. Is that right? Mr. Hildebrandt stated he believes it's either a 20- or 25-year-old bond. After that bond is paid off, all their debt is paid off, the city will have the exclusive right to annex if they desire. No one's forced to annex anything, but the city has the right to as a one property entity instead of going to 5,000 homeowners asking if they want to be annexed in the city. The development agreement states that it will be, it'll come as one body over, if the council wants to. There's no requirement to have it, so it could remain in our ETJ in the county forever and ever if that's what the council deems.

Attorney Halla says the term of the agreement actually says that the agreement itself counts as their petition to annex once all their debt is paid.

Council Member McNeal stated he just wants to make sure, are you saying that the county has told us that they want the city to oversee this and then part two, if that is the case, if I was the city I would want to annex this land then we can force them to follow the comprehensive plan. If not, this is going to be a wildfire of DR Horton homes in McLendon-Chisholm. That's right because from what I understand, in my talks that I've had with the county is that that is a no, they do not want the city to oversee this. So, I just want to make sure, if you're telling me, I would like to know who said that from the county because the information that I've got was the county does not want the city to oversee this.

Mr. Hildebrandt stated it's a true story, there's no one at the county that said we want the city to do it potentially yet because they've never seen it. It hasn't been in a public meeting yet; it's going to be proposed. We had a commissioner here who said, "I will take it but I wanted a signed copy from the city asking us before I take it".

Council Member McNeal asked if DR Horton didn't present to the county on this same stuff and the county turned them away twice. They did.

Mayor Pro Tem Balkum stated we're referring to the ILA item. Mr. Hildenbrandt stated it can be presented to them and they can formally say no if they want to. However, per state law and in my personal opinion, they're spending over \$30 million to bring water to this subdivision. They don't have to ask anybody how to develop out there. They can do whatever they want to do. They they're going to develop is my opinion of this because they're spending an awful lot of money to bring water in here for this development and if the county and the city don't want to be in the same sandbox, it's my opinion that they're going to do it anyway just because of the sheer amount of money that they're spending to bring water in here. So, they can. But they have to follow the guidelines of the county and the city.

Council Member McNeal stated that then he would fall back on if it was, if we annex the land, we force them to do the comprehensive plan. Mr. Hildebrandt that they are not asking to annex it until they pay off their debt.

Mayor Pro Tem Balkum pointed out we wouldn't want to annex them. We would be responsible for their debt, and we do not want to do that because they need to pay for their own thing. I wanted to correct, I meant to say the Rockwall County Interlocal agreement, and I brought that up at the last meeting, because it was outdated. We need to revisit it. So that's what's going to take approximately three months for our attorney's advice and also will to be working on that with the county to make sure to include what their concerns are, to make sure that we are including that in this agreement. As far as exactly what we need to accomplish, that's going to be at the next County meeting because we need to hear feedback from the Commissioner's Court to go over that and we have that time. If it does not get approved at the Commissioner's Court, then, depending on the time frame the same doesn't matter. It doesn't, right? It just squashes because that's the way it's written in this particular agreement.

Mr. Hildebrandt responded if they say, then the agreements, we don't have an approved agreement. We said in our development agreement we do what we could to discuss it with the county. We plan on doing that. We have an agreement for them, for the county. Council Member McNeal asked if there is a meeting coming up with the county and the city on February 2nd? There might be something coming up and I think that would be the time, to me, that the city should take their plan to the county and work that out. I just, I'm not okay with us saying that the city will oversee this et al and I understand what you're trying to say with the amount of money they're spending for water, but we're going to sell out our city for that and I'm not going to be okay with that. I think that we should align ourselves with the county. In my conversations that I've had with the county, the County Judge, there are ways that we can do this and have a say. I understand it's the ETJ, but I don't agree, and I've never agreed with oh, they're the ETJ, they can do what they want. There may be some truth to that, but it's not all the way true and I think that we should not find ourselves in another Trilogy and really trying to be adamant and do our due diligence and do what we can. Because if it's true that we did poll the community and they want less density, that ain't going to be less density. That is going to be far from it.

Mayor Pro Tem Balkum stated this is an interlocal agreement that has to be worked on, in good faith, with the county. So, by passing this, we are going to be working with them to include their

concerns. That's the important part about this is to make sure that we are doing that, that's part of the relationship that we have. But the city should have jurisdiction on building permits, the plats, all that stuff. And yes, we do have subdivision regulations and will tell you that there's quite a number of ordinances out there, in my personal opinion, that should be updated, reviewed, and also you know we need to take time to improve those things. So, changes will be coming I believe. I think that we can work on that.

Council Member McNeal responded that he would think that can we not go back as a city to the county and maybe have that sit down before we vote on something like this? I hear what you're saying, and I understand what you're saying on it being an interlocal agreement. But to me if we work with that party before we start voting on something. I'm personally not going to be comfortable with that.

Mayor Pro Tem Balkum stated the thing is by getting this, we're taking action like this is serious. We are going the next step and go and meet with them. It's kind of like a back and forth. They're going to bring points up then we take it back. We work on that. That's why I said it was going to take about three months to get all this stuff done.

Council Member McNeal asked for some clarification. What I heard was Konrad saying that this agreement, that if we vote on it, this is saying the city will oversee that. I'm not going to vote on that. That is not what we should be doing. We should be aligning ourselves with the county and working together because there can be some ways that we can work this out. If there's going to be a development, we do it the right way. That's what my thing is. Did I misunderstand that? That's what this vote is that the city will have oversight.

Mr. Hildebrandt responded that is correct. The city would have complete jurisdiction of the development. But that's not to say we can't sit down with the county and say what are your thoughts and what do you think we should do in our subdivision. But the development agreement also says they have to follow our subdivision ordinance and there's certain areas of subdivision ordinance in the development agreement as well. So, it gives the city the overall jurisdiction just for this one development, but it doesn't say you can't, I mean what the city does is based on the development agreement.

Council Member McNeal stated that if we were the oversight, then we could tell the county to pound sand and not listen to them. At the end of the day, if we are the oversight, then we don't have to listen to the council. We can say we're going to work but we don't have to.

Mr. Hildebrandt stated he thinks it's based on the development agreement that they approved.

Mayor Pro Tem Balkum asked to hold on a second. So, a couple of years ago, the county did come to us because of a lawsuit that occurred because they did not update their subdivision regulations. So, in 2021, they did update that because it just needed to be, the county did. You can look it up. In 2021 it was passed, or I'm sorry, approved and passed. So, with us, I don't think anyone from the city side is wanting to exclude the county. We actually had a very decent meeting on that day and we want the Commissioner, we want the Commissioner's Court, to engage us on what that is. So I don't want anybody thinking that's bad faith at all. We are including them, that's why we're getting this done so that we can go to them, include the concerns so that it's listed there.

Council Member McNeal stated that from my conversation I've had, there's something coming up on February 2nd that the county is asking the city to bring this plan, unless I was misinformed. But I was under the understanding that the County Judge is asking for this plan. I feel like if we're voting on that before we talk to somebody. I'm a transparency guy and I don't feel this is really transparent. I feel it's voting something before we talk about something. Mayor Pro Tem Balkum asked if he was sure it wasn't something to submit to them by February 2nd? She asked if Mr. Hildebrandt scheduled a meeting with the judge. Asa, did you schedule a meeting? Shelly, did you schedule a meeting?

Council Member McNeal reported there is a workshop on February 2, 2024, at 9:00 a.m. It hasn't been asked yet, but it is going to be asked that McLendon-Chisholm bring that. So, it just hasn't come to the pipeline yet, but there is a workshop being scheduled and already put together. So, again, I think that would be a wise thing to take that and then that is the show of good faith of working together and they can give us some guidance. I mean that's talking to the County Judge, that's talking to the commissioner and then they come back, or whoever is at that workshop, comes back and then we can have a follow suit on that. Again, talk to me like I'm a rookie right now because I'm just asking questions.

Council Member McLendon stated that how he understands both sides, Council Member McNeal, your concern is that we will unilaterally move without the county. Is that correct?

Council Member McNeal responded that he didn't want to say we will, but we could.

Council Member McLendon stated his concern is that. So, we agree on that. Should the city fail to enter into the county ILA agreement or the county separate agreement within the time frame, the city agrees that this agreement shall automatically terminate. So, there has to be a relationship that both sides agree. If we don't agree, then this is going to be terminated and I think that answers your concerns.

City Administrator Hildebrandt asked to add one quick little thing. After our last January 9th meeting, I submitted this to the commissioner that was here. He responded that he's not going to take it to the commission unless it's signed by the city. Council Member McNeal stated then they take it to the workshop on February 2nd. This is something we don't have to vote on. Can we not, maybe, table this and get a little more information allowing us as council members to get a little more information? Then we can revisit it. That gives us time to see what this workshop's about on February 2nd. He stated he will be happy to do that due diligence and find out exactly the meats and potatoes of it and submit that or even be there and be a part of it. Mr. Hildebrandt responded that's 100% a council decision.

Council Member Day asked what's the harm in waiting and pursuing the avenue that Bryan is bringing up.

Mr. Hildebrandt responded he's not sure if there's any harm. I'm just saying that it's on your agenda tonight because the commissioner said they aren't going to review it until he receives a city signed one. So, if they've changed their mind and said instead of signing, come to a workshop. It's your choice whether you want to do it but it's here tonight because he said if I don't get a

signed agreement, I'm not going to take it to the commission to review. Council Member McNeal said he also stated that he would make sure that it was on the agenda like once we signed it.

Council Member Tucker asked if there is any issue with respect to timeliness on this.

City Attorney Halla stated that as a matter of fact, he was here when we talked about that, and my advice was that it was going to take a month to a month and a half. One reason was I knew I was stuck in trial all last week and so that even carried over till Monday. So, I knew I was going to be delayed and there was at least a week, week and a half, was going to be delayed. Then just the simple fact of sometimes certain governmental entities have requirements on when things have to be submitted to be on the agenda and if you don't submit it by the agenda deadlines, that it doesn't get on there and sometimes it's beyond 72 hours. Commissioner Bailey confirms that they had their meetings, I think on Tuesday, the same nights we do and they have the same thing, it's the Wednesday prior. I said knowing that there's going to be some time constraints and things like that so I would give it a month, a month and a half. So, I would have a very difficult time if, and I totally believe Konrad 100%, but that would answer your question. If a judge tells we're going to have to sign agreement and then they said but let's have a workshop and they screw us over because we're trying to come to the workshop and we don't vote on this, that would look really bad for the county.

Council Member McNeal stated there's no hard, literally Konrad said there's no harm. Even if we waited, were the workshop happening or not, there's no harm in waiting. Attorney Halla stated he is supporting that. He is saying if the council, and at least there's two council members here that are a little bit, we do have time on this. I made it very clear to the commissioner this will take a month, a month and a half. Having a workshop, maybe that does change it. My point there mentioning what he said, I find it very very unlikely a commissioner is going to say, hey, I needed a signed copy and then the council doesn't vote on it for the purpose that we've all heard publicly and it's recorded, to show up for the workshop to talk to them and the county gets mad about having an unsigned copy. I think that scenario is very unlikely. I think showing up, knowing that we've already got time, showing up for the workshop that absolutely unequivocally indicates an intent to work with the county, seeing what we can work out, and sounds like that's great for everybody.

Mayor Pro Tem Balkum stated they didn't get an official invitation yet or anything like that. I'm going with what our word was when he was here. That's why this item is on this agenda. Attorney Halla agreed that's true but the beauty of that too is we can have it on the next agenda. I don't believe that Commissioner Bailey's expecting anything ASAP, so we could have it on our next agenda. If the council feels that strongly about it, they could call a special meeting with 72 hours' notice, that's all you need. So, there are lots of options. My concern is I hear two of the five council members here express concerns and maybe delay. So, I want to throw that out there and I would rather the council take extra time to make a decision they feel comfortable with, than feel rushed to make them. It's totally the council's decision. I have no input, no say whether you should sign or not, that's a policy decision. My concern has always been prior to making a decision, have I given you all the information that you need. The information I'm stressing now is we do not need to rush this.

Mayor Pro Tem Balkum agreed we definitely need to get official information from the county, from all of them so that we can be able to consider for the interlocal agreement which by the way, I hope that everybody agrees it's like this has been outdated. We need to do our job and improve that. So, staying on top if it, I mean I don't want this to kind of go out the window like okay, we forgot this and then everybody else is waiting on us because we didn't do the administrative work that is necessary.

Council Member Tucker highlighted one thing, and I agree with Council Member McNeal on this one, DR Horton went to the county commissioner's court, and they presented to them the same project. This is back earlier in the year and the court had Freeze and Nichols look at their project and in accordance with their subdivision regulations and Freeze and Nichols found that DR Horton was negligent, or deficient at least, in 59 different areas. They had a number of concerns, and they did not approve this project. So, to the degree that we think that we're going to be able to look that closely, I mean we definitely need to be speaking to the county on this one. My opinion on this is this needs to be kicked back to the county and have it done under their subdivision regulations versus our own. Now that would ultimately upset some people because of the revenue source, they would have dominion over the revenue source. However, they could also assess impact fees which our city cannot assess any impact fees associated with a new project like this, whereas the county can. They can also implement higher standards for open space management, which in our own DA agreement is minimal. Basically, we allow them the free wheel, whatever they want to do virtually, very minimal. And what happened with commissioner's court was that DR Horton came up, they didn't want to obligate themselves to addressing 59 different infractions in their subdivision rules. So what they did was they came to McLendon-Chisholm because they figured they could do an end run and marry up with us and ultimately get us to sign an agreement. We already signed the DA agreement already. I mean this should have been done first, the interlocal agreement and then the DA agreement should have been signed in accordance with that. But we're just doing it backwards. DR Horton is doing an in run around the county because they don't want to pay the money, spend the time, and probably have this whole project deferred thinking that we can come to McLendon-Chisholm and kind of hoodwink us and get away with it. That's really the premise behind this whole thing.

Council Member McNeal agreed 100% with that and I have the 59 deficiencies from the county that they kicked it out with. I have that list and I will be happy to send that out.

Mayor Pro Tem Balkum asked who the inspectors are for the county. Council Member Tucker answered it was Freeze and Nichols, they are the ones who are their consultants. Mayor Pro Tem Balkum asked who would be on the ground to do the inspections. Council Member Tucker responded she would have to talk to the county on that, he has no idea. But Freeze and Nichols are high-end consultants. Mayor Pro Tem Balkum stated she doesn't disagree with Freeze and Nichols. She doesn't have any issue with us having to review the 59 items. She thinks it's great, awesome. She thinks that there is a little bit, first off, I apologize, I'm sorry I read the information for the fact that the 2013, you know I did actually take the time to read where it was and it was brought up. I was like, oh my goodness, we should be reviewing this and that's why I mentioned it at the last meeting, we need to do our due diligence about that. I'm taking it as expressing that, again, Commissioner Bailey was here. We expressed we were going to, in good faith, go over these items and make sure to include it because the subdivision regulations are supposed to, whoever has the highest one, that's where it's the go to whenever it's the land that's right on the skirt of the ETJ. It

would go back to the city. It is always prudent, yes, to review who should have the jurisdiction. In this particular case, in my personal opinion, that the city should have the jurisdiction on the subdivision regulations. I actually looked at the subdivision regulations for the county, which by the way is quite lengthy, but it's not as detailed, in my opinion. She asked Asa what he thinks because she gave him the link to look at the county subdivision regulations and then ours is quite direct about what those subdivision regulations are where the county, you have to click more links and make references and stuff of what they want. The 60-foot right-of-way, we want to have a higher standard, they have 50 in some parts. So, I mean I think that we have a better aspect on meeting certain steps on improvements and I think we should have the jurisdiction on it, but that's, again, I'm not against the county's input. I think it's important that we work with the county. I want to include the items that they will say that we need to include in our agreement. I'm okay with that.

Council Member Tucker would say that if DR Horton is ready to go back to the county and address the 59 issues and they satisfy those issues, they can come on back to McLendon-Chisholm. I think that it's a higher standard that we're going to provide for them in my mind.

Council Member McLendon stated this goes a little bit deeper because I disagree with you and Council Member McNeal and the reason being is when we talk about local government like us having the authority to govern our city, I don't agree with going to a higher government. Council Member Tucker pointed out we're not governing our city, we're governing the ETJ. Council Member McLendon stated his point is, we are going to work with the county on the issue but to say we need to give up our jurisdiction and give that to the county, I disagree with that.

Council Member McNeal stated he doesn't think that's been said that we're giving anything up, I think what we're saying is we want some more time to research everything. I don't think I have said give it up. I don't think Councilman Tucker said give it up, or Council Member Day. I think that what we have said is we need more time, let's just look at it, there's 59 things, they went to the county, the county kicked it to the curb twice. Now they're here like Council Member Tucker, trying to hoodwink you know McLendon-Chisholm in some things and it's not giving up jurisdiction, it's partnering with the county. It's partnering up with our local governments, as well, even though they are a higher up and making this the right move. At the end of the day, if it comes back and it says, hey, then we vote on it and if the vote goes towards the city overseeing it, then it goes over that way. But I think there's nothing wrong with us just waiting.

Mayor Pro Tem Balkum stated she thinks that we need to go with what we ended up agreeing to at the last meeting, that we were going prepare this, we're going to have something signed, and that's right, we'll take it to a vote. She called for a motion.

MOTION: CONSENT AGENDA ITEM 5.1. APPROVAL OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN ROCKWALL COUNTY AND THE CITY OF MCLENDON-CHISHOLM, TEXAS [DR HORTON RIVER ROCKS DEVELOPMENT]

MADE BY: Council Member McLendon

Motion died for the lack of a second.

- 5.2. A resolution approving the order of a General Election for the purpose of electing persons to the offices of Mayor, Council Member Place 2 and Council Member Place 4 for two-year terms and Council Member Place 1 for a one-year term.
- 5.3. Financial Report
- 5.4. Building Official Report
- 5.5. Community Waste Disposal Report
- 5.6. Sheriff's Report
- 5.7. Code Compliance Report
- 5.8. All American Dogs

MOTION: APPROVE ITEMS 5.2 THROUGH 5.8 OF THE CONSENT AGENDA AS PRESENTED.

MADE BY: Council Member Tucker
SECONDED BY: Council Member McNeal
APPROVAL: Unanimous

6: ITEMS FOR CONSIDERATION AND ACTION

- 6.1. Discussion and action regarding appointment to the City Events Committee

City Secretary Green presented a report on this item.

Background: On November 14, 2023, a Community Events Committee was created. The committee consists of up to seven (7) members with the City Administrator. The mayor shall recommend, and the City Council give advice and consent to all committee members.

Committee terms shall be two (2) year terms with the ability to serve an unlimited number of terms.

The committee shall report back to the Mayor and the City Council in a public meeting prior to and after each event held.

Three applications have been received for appointment to this committee:

Stacy Rogers
Charisse Ibarra
Amy Johnson

Mayor Pro Tem Balkum suggested the committee, between now and June, know what they're going to have and should figure out possible funding. They may have to come to the City Council for the funds, but they can work on getting sponsorships. She wants to make sure that this committee is actually going to have some action items to do and they're going to have to present presentations and all that so it's not just they just come together and just decorate or anything like this. They're going to actually be a working committee.

Council Member Tucker stated he has always been in favor of a more proactive type of events committee. One that's assigned to the city or is part of the city establishment so to speak rather than having just an individual out there helping us out and I've voiced a desire in the past for us to fund a committee because they need funding and in the past whomever has assisted us with putting on events, a lot of the owners have been, they've picked themselves and they've supported financially and so it's really appropriate for the city to be funding our own events and not put that weight and that burden on individual citizens.

Council Member Day asked why we have so few applicants and what can we do to entice more people to get involved in this. Do we have any insights into why we only got three? Was it just not well advertised?

Mayor Pro Tem Balkum explained this started in late November and we promoted it through social media and also on the website and you know through asking people. Now I will tell you that one of the applicants, Stacey Rogers, did apply at the last round of requests to be a volunteer for the event, so this is her second time. She's really enthusiastic.

MOTION: APPROVE APPLICANTS CHARISSE IBARRA AND AMY JOHNSON BE ASSIGNED TO THE COMMUNITY EVENTS COMMITTEE AND THAT STACEY ROGERS BE ASSIGNED AS VOLUNTEER TO THE COMMITTEE.

MADE BY: Council Member Tucker
SECONDED BY: Council Member Day
APPROVAL: Unanimous

7. Executive Session

- 7.1. Adjourn into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.004(a)(1) Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Administrator

The Council recessed into Executive Session at 6.56 p.m.

7.2. Reconvene Regular Meeting

Mayor Short reconvened the regular meeting at 8:30 p.m.

7.3. Executive Session Action

No Action

6.2. Triple Creek Ranch Minor Amendment Clause

City Planner Woodberry presented the staff report on this item.

Agenda Item: Discus/Action – Proposed Residential Development – Triple Creek Ranch – Request for minor amendment per language found in Exhibit B of Ordinance 2006-26.

Background: Principals of the Triple Creek Ranch Residential Development have requested a ‘Minor Amendment’ from an Exhibit B, Ordinance No. 2006-16 – An ordinance of the City of MC, TX amending the Comprehensive Zoning Ordinance and Map of the City of MC, TX as heretofore amended, granting a change in zoning to PD Planned Development District for approximately 1,583 acres of land situated ... Triple Creek Ranch Planned Development Standards.

In Section II Special Provisions, Subsection A Changes and Amendments, there exists language that defines a Minor Amendment.

Mayor Short wishes to have the City Council weigh in on the minor amendment request by Triple Creek and motion whether they feel that the request meets the defined parameters.

Our City Planner will have a presentation of how internal staff evaluated the request.

The following was presented by the City Planner:

Triple Creek Ranch PD Minor Amendment Analysis

Agenda

- Minor Amendments
 - Criteria
 - Responsible Parties
- Criteria Analysis
 - Density
 - Structure Height
 - Lot Size

Minor Amendments

- Also known as an administrative amendment, which does not require public notification.
- Minor amendments must mee the following criteria:
 - Does not increase density.
 - Does not reduce lot size.
- The Mayor and City Administrator **SHALL** be authorized to sign.

Triple Creek Ranch Criteria Analysis – Original Density

- Density can be defined as “the number of dwelling units per acre per acre including streets, easements and open space.” (Law Insider)
- Triple Creek Ranch
 - Proposed Lots: 1,867
 - Acres to be developed: 1,583
- **Calculations**
 - Density = # of land / acres
 - $1,867 / 1,583 = 1.17$
- Original Density: 1.17

Triple Creek Ranch Criteria Analysis – Proposed Density

- Density can be defined as “the number of dwelling units per acre per acre including streets, easements and open space.” (Law Insider)
- Triple Creek Ranch
 - Proposed Lots: 1,634
 - Acres to be developed: 1,420
- **Calculations**
 - Density = # of lots / acres
 - $1,634 / 1,420 = 1.15$
- Proposed Density: 1.15

Triple Creek Ranch Criteria Analysis – Structure Height & Setbacks

- This minor amendment will not change the maximum structure height.
- This minor amendment will not change setback requirements.
- All development standards remain unchanged.

Triple Creek Ranch Criteria Analysis – Development Lot Sizes

- This minor amendment does not reduce lot size.
- The number of lots is changing, not the actual lot size for each housing unit.
- No home will be built on a lot size smaller than 60’x125’.
- Lot sizes will not be reduced.

City Planner Halla stated he was asked if there was anything for the Council to do here and there is not. If it is a minor amendment, then I believe that the ordinance says jointly by the mayor and the city administrator. So that is for them to make a decision on. If it’s not a minor amendment, and I’m not getting into whether it is or isn’t, and I wouldn’t advise the Council to do that tonight. But if it’s not a minor amendment, then that would be the applicant coming back before the city and filing an application to rezone on the property for however they have it set up. Either way, there is no action for the council to take. It’s my advice, because there may still be something the applicant might want to do or there might be a decision on a minor amendment, my advice is for the council not to comment on that, what their feelings are in public. That way, someone may take that the wrong way, someone may go with it, someone may run with it, they may think they have because Council said something. If you don’t say anything, you cannot be wrongly stated that you tried to influence anything or anyone.

No Action

6.3. Update on the Impact Fee study being performed by Kimley-Horn

City Administrator pointed out a map included in the packet that shows the projected road system that is also in the comprehensive plan of what's projected for the future for the city. Kimley Horn has taken that on the back side of that map and did a draft of a 10-year capital improvements plan based on the city's action in the comprehensive plan. So with that, they will take this and put it through the required legal process and figure out low, medium, and high cost for impact fees to pay for these capital improvement projects. If you remember, impact fees can only be used for new development, not for maintenance and operations. It's the impact of new people moving into our city who will be charged for this on their building permit. All existing residents of the city have nothing to do with these impact fees. They already paid their dues to get in here. This will be for the increasing needs for our roads in and around our city that we've identified already in our transit plan and that's how they'll figure out the cost of the impact fees and you'll see that within the next little bit. I mean they don't have, if you notice on here in the back, they don't have projected costs. They need to do that. Then they'll put it together and be ready to be here and present to you in the next, hopefully by the last meeting in February if not, probably the first meeting in March.

Just for clarification since they have been waiting for this and talked about it for several months, Mayor Por Tem Balkum asked about on the section where it talks about roadway, there's a little parenthesis that says 1212, can you tell me what that number represents. City Administrator Hildebrandt said he thinks they just split the project up into different phases.

6.4. Review/Action – Performance Appraisal – City Administrator

Mr. Hildebrandt was given directions that they will have to follow through with some requests. So, we will be seeing this on the next city council agenda in February.

6.5. Discuss/Action – Approve a Memorandum of Understanding (MOU) with the Blackland Water Supply Corporation for the short term (up to five [5] years) wholesale water supply to the Sonoma Verde phases 3 and 5 and possible future plats as well as the entire Sonoma Verde Subdivision.

City Administrator Hildebrandt presented his staff report on this item.

Agenda Item: Discuss/Action – Approve a Memorandum of Understanding (MOU) with the Blackland Water Supply Corporation for the short term (up to 5 years) wholesale water supply to the Sonoma Verde phases 3 and 5 and possible future plats as well as the entire of the Sonoma Verde Subdivision

Fiscal Impact: TBD – Wholesale water costs and meter costs

Background: In an effort to meet the city of McLendon Chisholm's short term or temporary potable water needs, this MOU is entered into to meet the immediate needs of the city in providing potable water.

Further, this action will allow sufficient time for the city of MC to receive State of Texas Public Utility Commission (PUCT) approval for a city-

wide water system and subsequent action to facilitate the North Texas Municipal Water District (NTMWD) requirements in becoming a direct customer.

Furthermore, a full copy of the MOU will be provided as soon as possible based on the fact that our city attorney has been tied up in court proceedings all this past week.

He continued to go through the RECITALS of the MOU. This is not a binding agreement, but we will be working towards a binding agreement.

Mayor Pro Tem Balkum pointed out that our engineers are working on the line that connects to their delivery point which is off of 34. There is a 30' easement that we could have a line that would be about 20 inches to come down to this area. We have license agreements between the city and Blackland Water as of October of this past year and the remaining license agreement is for phases one, two, and four. The line would be literally parallel to the line that's going to be providing to the development for DR Horton also connects to the line that's already connected for Blackland and their water tower which is off of 276. This is an above ground storage facility that may be proposed for the three million gallons DR Horton. I guess they were in discussion about how much they will be able to service based on their cost factors and number of connections at buildout would be about 13,000 connections. So when we talk about the short term, this will give us water as a temporary so that when, hopefully, PUC approves our request to be able to serve inside the city limits. This will kind of give us the lead time to be able to work towards our agreement to become a direct customer with North Texas Municipal Water District. North Texas Municipal Water District requires that you have permission from the Public Utility Commission to service this particular area. In addition to that, the agreement that's expected to be done within approximately three years, which water will be turned on, that's whenever that agreement actually starts. You have a requirement to build that delivery point, so that'll be coming, you know, obviously from us and then be able to connect to the rest of the service area. This is the interim short term, if you like to use that term, to be able to get off the system that's currently over-served. So will alleviate in another summer, some issues that will not be addressed with any other plan at this point. So this will be able to help out with the water shortages and being able to accommodate the current and manage the current growth right now. This is time sensitive.

Council Member Tucker asked when the Blackland take point be finished or finalized? I'm hearing a year from now, a year and a half from now.

Council Member Day asked how much water this will provide to the city during the peak season. Is it going to give us 300,000 more gallons, is it going to give us 500,000 gallons? Do we know kind of about what the capacity will be.

Mayor Pro Tem Balkum explained this is just the interim portion and we are going on a calculate that our engineers were working on those numbers with the plan and so we'll be able to discuss that at our next meeting. So, we'll be able to get those numbers back from our engineers because they're kind of important to put down the phases of the process. So, I would rely on what they say because this is not the entire city yet, it's just Sonoma Verde at this time. Council Member Day was just wondering what the immediate relief would be to the city for RCH customers that are

sharing it with because RCH is currently servicing three and five right? No, they service one, two and four.

Mayor Pro Tem Balkum reported that the construction of the roads has been completed for phases three and five and so the actual construction of the homes and stuff like that, that's going to be happening soon because that water is available through Blackland right now. So, the intent, and we've had discussions about that because we talked about the business side of managing this water system because we currently have sewer inside the Sonoma Verde and it's a flat rate at this time. So, yes, Blackland does manage you know accounts and stuff like that, but with Inframark we will be able to combine all of that into one utility bill and then it's going to be based on water consumption. So, the flat rate will go away. So that is one of the benefits financially for those residents. Now once we have this information, we'll be providing this information. That should be the first week of February.

Council Member Tucker wanted to make something clear, and if I'm wrong, correct me, but bringing Blackland on board to take over phases three and five will have no impact on the amount of water we have in these summer months. They're not going to be able to shuttle more water over to RCH in a sense and alleviate the difficulty we've been under in the past two years. So, it's only water that's going to new constructions over in phases three and five and that's all they're obligated to. Am I correct? Mayor Pro Tem Balkum explained there is a lot of water that goes into building all kinds of stuff so, yes, it will take it off the system because there was water being used in that area.

MOTION: APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BLACKLAND WATER SUPPLY CORPORATION FOR THE SHORT TERM (UP TO 5 YEARS) WHOLESALE WATER SUPPLY TO THE SONOMA VERDE PHASES 3 AND 5 AND POSSIBLE FUTURE PLATS AS WELL AS THE ENTIRE SONOMA VERDE SUBDIVISION.

MADE BY: Council Member Tucker
SECONDED BY: Council Member Day
APPROVAL: Unanimous

6.6. Consider and possible action regarding approval of a replat of Lot 1 of the Kentwood Addition.

City Planner Woodberry reported that after further review, this application is not complete administratively. I do want to speak to a few things. There was the question about the 30-day time window. Because this application was submitted and not complete administratively, that 30-day window does not start until we have received every piece of the application, and it is submitted and turned in. So, the 30-day window that we have right now is not, that clock is stopped because this application is not administratively complete. Because it's not administratively complete, my recommendation is to take no action today and to send it back to Planning & Zoning once the application is complete.

City Attorney Halla stated in this situation, 212.001 defines plat and it includes a replat. So, all the rules of platting apply to replats. In fact, I believe it defines plat as preliminary plat, final plat, or

replat. So here, if you've got an application that is not administratively complete under 212.009, I do not believe the 30-day window for the P&Z to make a decision has not started, you can't really even accept it. So we should have told them we can't accept it so at this point, I agree with Asa, I think the right thing to do is let them complete the application, then the 30 day plat window can start. So again, I would advise Council not make comments on it. With a plat coming through, you don't want to have someone make statements, hey you tried to influence this, you tried to influence what you want to do. Better just to say nothing. This is my advice at this point.

No Action

8 UPDATES, DISCUSSION AND DIRECTION TO STAFF

No updates, discussion, or direction to staff.

9. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 9.1. Mayor Short – Absent
- 9.2. Mayor Pro Tem Balkum – We have a bond committee meeting. It's our first one with Rockwall ISD so all those who are interested in knowing when potential schools could come to McLendon-Chisholm area. This is going to be some things that we'll be discussing at the meeting as well as providing numbers of our current developments, future developments, and kind of understanding our water situation because one of the things they do ask is like they don't want to have any issues with water so they've asked us about population growth and some other numbers that will be important for them to be able to review with the committee on potential sites for future schools. Also, I have the events committee meeting probably like February 1 around there just to get them started.
- 9.3. Council Member Tucker - None
- 9.4. Council Member Day – None
- 9.5. Council Member McLendon – None
- 9.6. Council Member McNeal - None

10. ADJOURN

There being no further business to discuss, Mayor Pro Tem Balkum adjourned the meeting at 9:39 pm

APPROVED:

Mayor Pro Tem Balkum

ATTEST:

Rochelle Green, City Secretary



**CITY COUNCIL / PLANNING & ZONING COMMISSION
SPECIAL WORKSHOP
CITY OF McLENDON-CHISHOLM, TEXAS
MEETING MINUTES
JANUARY 27, 2024**

The City Council and Planning & Zoning Commission of the City of McLendon-Chisholm convened in a Workshop, January 27, 2024, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING CITY COUNCIL

Adrienne Balkum	Mayor Pro Tem
Paul Day	Council Member
Floyd McLendon, Jr.	Council Member
Daniel Tucker	Council Member
Bryan McNeal	Council Member

ABSENT: Keith Short, Mayor (Arrived late)

ATTENDING PLANNING & ZONING

Mark Kipphut	Chairman
Robert Rhode	Co-Chairman
Terry Eoff	Commissioner
Gyle Dale	Commissioner
Chris Freeze	Commissioner
Thomas Hritz	Alternate
Michael Easter	Alternate

Staff Present:

Konrad Hildebrandt	City Administrator
Shelly Green	City Secretary
Asa Woodberry	City Planner
Michael Coker	City Planner

1. CALL TO ORDER

Mayor Pro Tem Balkum called the meeting to order at 9:00 a.m. and Planning & Zoning Commission Chairman led the pledges to the U.S. and Texas Flags.

2. WELCOME & INTRODUCTIONS

City Administrator Hildebrandt welcomed everyone and led the introductions.

3. CITIZEN COMMENTS

None

4. TYPES OF CITIES

Home rule Cities

- At least 5,000 residents

General Law Cities

- 3 categories (Type A, B, C)
- McLendon-Chisholm is Type A

Type A Cities – McLendon-Chisholm

- Larger general law cities
 - Governing body consists of a mayor and 5 city council members
 - Municipal officers include City Administrator or City Manager, City Attorney, City Secretary
 - McLendon-Chisholm Pop. (est. 6,000 residents)

5. RESIDENTIAL & COMMERCIAL DEVELOPMENT

5.1. Residential Development

- Development in which lands, buildings, or structures are developed for residential use (subdivisions, multifamily housing)
- McLendon-Chisholm's residential development is rapidly expanding as the population increases.
- Residential developments within the city limits must adhere to city zoning and ordinances.

5.2. Commercial Development

- Development involving the use of premises (land and buildings) for administration or professional activities, leisure and recreation activities, etc.
- McLendon-Chisholm's commercial development occurs along SH 205 with possible commercial development expansion to FM 550
- Commercial developments must adhere to city zoning and ordinances, unless located within the Extra Territorial Jurisdiction (ETJ)

5.3. McLendon-Chisholm Retail Utility Providers

- Water – not owned or operated by the city (RCH, Blackland, High Point)
- Sewage – installed in Sonoma Verde (no CCN's within city limits for wastewater)
- Trash – City operated, collected ONCE per week on Thursdays
- Electric – several electric providers serve the city.

5.4. Strategic Planning

- City Strategic Plan – Outlines the City's goals, planned projects, and metrics to determine success.
- McLendon-Chisholm Comprehensive Plan (September 2021) – A plan that guides the future actions of the community.

- McLendon-Chisholm Code of Ordinances – Local laws that govern the city.
- Lane Access Management Plans (LAMP)
- The design, implementation, and management of entry/exit points between roadways and adjacent properties
 - Ex: driveways, exit/entry ramps, turning lanes, etc.
 - Access should be managed through context, function, and location. Reduction in the number of closely spaced access points/driveways
 - Balancing safety and mobility interests for the community is the goal.

Municipal Zoning & Land Usage

1. Zoning: regulations that govern how real property can and cannot be used in certain geographic areas
 2. Land usage: how residents use land. It represents the economic and cultural activities in a given place.
 3. McLendon-Chisholm relies on the City Council to make informed decisions from city staff, planning & zoning commission, and public input for how it uses land.
 4. Zoning Procedures
 1. Applicant turns in rezoning application and pays city fees.
 - City secretary receives and files.
 - Reimbursement agreement must be completed.
 2. City Planner reviews for accuracy, completeness, and compliance with City ordinances
 - Comprehensive plan is reviewed and taken into consideration.
 3. City Planner schedules application to be heard.
 - 2 public hearings are required (Planning & Zoning Commission and City Council)
 - Publication of hearing 15 days prior, mailed notifications 11 days prior.
 5. Platting Procedures
 1. Applicant turns in preliminary plat application and pays city fees.
 2. City Planner reviews for accuracy, completeness, and compliance with City Ordinances
 - Comprehensive plan is reviewed and taken into consideration.
 3. Action must be taken within 30 days of receiving application.
- Final Plat must be submitted AND approved before ANY work can begin.

Texas Rezoning Timeline

- Day 1 – Developer requests a zone change, fills out application and pays the required costs.
- Days 2-16 – City reviews the proposed development/application and prepares State of Texas required publication in a newspaper of general circulation.
 - Mails notice to all residents within a specific area (200 feet from proposed zone change) requesting comments.
 - Physically posts a sign in the property notifying residents of the proposed zoning request and meeting and date (Planning Commission and City Council)
- Days 17-21 - Planning & Zoning Public Hearing and Action
- Days 22-29 – City Council holds a public hearing and proposed action.
- Approximately 1 month

- 5.5 Roles & Responsibilities of the Mayor and City Council
- Highest elected office in Municipal Government
 - Presiding officer of the City Council
 - The mayor only votes in the event of tie vote
 - Main responsibility is to carry legislative responsibilities shared with council members (Create Policy)
- 5.6 Roles & Responsibilities of the City Council
- City's Legislators responsible for policy making.
 - Prohibited from delegating its legislative power.
- Several other functions:
- Regulator
 - Exercises regulatory power over the conduct and property of citizens.
 - Financer
 - Approve annual City budget, may levy taxes, assess fees and charges, and may sell bonds.
 - Employer
 - Responsible for hiring a City Administrator who ensures a safe and comfortable workplace for City staff.
 - Buyer
 - Ensures the City gets the best value possible for dollars spent.
- 5.7 The Planning & Zoning Commission
- A group of citizens appointed by the local legislative body.
 - Performs required and discretionary functions in land use matters.
 - A recommendations body to the City Council
 - Could be separate commissions for zoning and planning.
- 5.8 Roles & Responsibilities of the Commission
- Update the Comprehensive Plan on a recurring basis.
 - Make recommendations on zoning changes.
 - Recommend approval of subdivisions and land uses patterns
 - Interface with the public on community vision through public meetings, focus groups, and neighborhood organizations.
- 5.9 Connection Between the Council & Commission
- The commission provides recommendations based on:
- Technical staff recommendations
 - Conformity with the comprehensive plan
 - Public Input
 - Developer Input
 - Potential impacts on the city
- Commissioners are appointed by the City Council for specific terms.
 The City Council is the final approving body for zoning/land use changes.
 The City Council is the final approving body for the Comprehensive Plan

5.10. Summary

1. The Mayor & City Council's main responsibility is to create policy and oversee the City's budget.
2. The City Council has final approval of the budget, comprehensive plan, and land usage matters.
3. The Planning & Zoning's main responsibility is to make recommendations on land use matters based on technical staff reports, conformity with the comprehensive plan, public and developer input, and city ordinances.

5.11. Closing Thoughts

Mayor Pro Tem Balkum, Commission Chairman Kipphut, and City Planner Whitmore each gave some closing thoughts regarding the meeting.

The Mayor arrived at this time and presented his thoughts on the workshop.

5.12. Adjourn

Mayor Pro Tem Balkum adjourned the meeting at 1:20 p.m.

APPROVED:

Mayor Pro Tem Balkum

ATTEST:

Rochelle Green, City Secretary

Ordinance No. 2024-02

AN ORDINANCE OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING DISTRICT FROM AG AGRICULTURE TO A PD PLANNED DEVELOPMENT ZONING DISTRICT PROVIDING FOR 335 SINGLE-FAMILY LOTS THAT PROVIDE FOR LOT SIZES OF ONE-ACRE TO ONE AND ONE-HALF ACRE ON A 148.15 ACRE TRACT OF LAND LOCATED GENERALLY AROUND THREE SIDES OF 1371 WEST FM 550 [MCLENDON-CHISHOLM CITY HALL] MCLENDON-CHISHOLM, TEXAS, MORE PARTICULARLY DESCRIBED HEREIN, IN THE CITY OF MCLENDON-CHISHOLM, ROCKWALL COUNTY, TEXAS, PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of McLendon-Chisholm and the governing body of the City of McLendon-Chisholm, in compliance with state laws and with reference to amending the Comprehensive Zoning Ordinance and Zoning Map, have given the requisite notice by publication and otherwise, and after holding due hearing and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of McLendon-Chisholm is of the opinion that said Comprehensive Zoning Ordinance and Map should be amended as provided herein. Now therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of McLendon-Chisholm, Texas, heretofore duly passed by the governing body of the City of McLendon-Chisholm, as heretofore amended, be hereby amended by changing the Zoning District designation on the 148.15-acre tract of land more particularly described in Exhibit "A", attached hereto and incorporated herein, and herein referred to as the "Property" from AG Agriculture to a PD Planned Development District as described in Exhibit "C" Planned Development District Development Standards and amending the Official Zoning Map to reflect the approved change in zoning district.

SECTION 2. That all provisions of the ordinances of the City of McLendon-Chisholm in conflict with the provisions of this ordinance as applicable to the Property are hereby

repealed and all other provisions of the ordinances of the City of McLendon-Chisholm not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance or Map as a whole.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas on the 13th day of February, 2024.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

*Ordinance 2024-02
Approved 02.13.2024*

Legacy Park Estates Zoning

TRACT 1

DESCRIPTION

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chifton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the southeast right-of-way line of F.M. 550, said point being at the west corner of said 159.4006 acres tract of land;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 900.74 feet to a 1/2" iron rod with yellow plastic cap found for corner at the west corner of a 2.00 acres tract of land as described in a Deed from The Chifton 2X, LP to The City of McLendon-Chgholm, Texas, as recorded in Volume 7229, Page 246 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 00 min. 00 sec. E. a distance of 680.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the south corner of a 10.00 acres tract of land as described in a Deed from The Chifton 2X, LP to The City of McLendon-Chgholm, Texas, as recorded in Document no. 20130000499266 of the Official Public Records of Rockwall County, Texas;

THENCE N. 45 deg. 00 min. 00 sec. E. along the southeast line of said 10.00 acres tract, a distance of 681.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the east corner of same;

THENCE N. 45 deg. 00 min. 00 sec. W. along the northeast line of said 10.00 acres tract, a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner in the southeast right-of-way line of F.M. 550;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 840.00 feet to a 1/2" iron rod found for corner in an old road bed, at the north corner of said 159.4006 acres tract;

THENCE S. 45 deg. 25 min. 08 sec. E. along said old road bed and northeast boundary of said tract, a distance of 2963.44 feet to a 1/2" iron rod found for corner;

THENCE S. 45 deg. 15 min. 03 sec. W. along said old road bed and passing a 1" iron pipe at a turn in same at 784.39 feet and continuing for a total distance of 2243.27 feet to a 3/8" iron rod found for corner at base of 3" steel fence post in concrete at the south most corner of said 159.4006 acres tract of land;

THENCE N. 44 deg. 44 min. 43 sec. W. a distance of 1494.35 feet to a 1" iron pipe found for corner;

THENCE S. 45 deg. 05 min. 25 sec. W. a distance of 212.95 feet to a 1/2" iron rod found for corner;

THENCE N. 44 deg. 47 min. 44 sec. W. a distance of 1478.86 feet to the POINT OF BEGINNING and containing 144.41 acres of land.

TRACT 2

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 10.00 acres tract of land as described in a Warranty deed from Richard B. Skibell to Tyrone E. Davenport and Cheryl Anne Davenport, dated October 20, 2004 and being recorded in Volume 3742, Page 268 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at the base of a 3" steel fence post in concrete at the east corner of said 10.00 acres tract and at the south corner of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chifton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 27 min. 19 sec. W. along the southeast line of said 10.00 acres tract, a distance of 559.20 feet to a point in edge of water for corner;

THENCE N. 44 deg. 17 min. 46 sec. W. a distance of 300.60 feet to a point in edge of water for corner in the northwest boundary line of said 10.00 acres tract of land;

THENCE N. 45 deg. 35 min. 26 sec. E. along the northwest boundary line of said 10.00 acres tract of land, a distance of 556.85 feet to a 1/2" iron rod with yellow plastic cap found for corner;

THENCE S. 44 deg. 44 min. 43 sec. E. a distance of 299.28 feet to the POINT OF BEGINNING and containing 3.84 acres of land.

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C00110 L dated Sept. 29, 2008, this property lies in Zones A&X. Part of this property does appear to lie within a 100-year flood plain, as shown scaled from FIRM.
- 2) BEARING SOURCE: RECORDED PLAT.
- 3) ALL 1/2" IRS ARE CAPPED WITH "YELLOW PLASTIC CAPS" RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for CHICAGO TITLE COMPANY and OAK NATIONAL HOLDINGS, LLC, at FM 550, ROCKWALL County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 12th day of August, 2019.


Harold D. Fetty III, R.P.L.S. No. 5034



SYMBOL LEGEND	
	Surveyed Area
	Right-of-Way
	Easement
	Boundary
	Corner
	Iron Rod
	Yellow Plastic Cap
	1 inch Iron Pipe
	3/8 inch Iron Rod
	Steel Fence Post
	Water
	Road
	Building
	Other

SURVEY DATE	AUGUST 12, 2019
SCALE	1" = 100' FILE # 20041893-2
CLIENT	CHICAGO TITLE COMPANY OF P 4000381901222

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 10150900

6770 FM 1565 HOUSTON, TX 75168 972-885-2255 PHONE tracy@hdfetty.com

EXHIBIT B

Revised Concept Plan: October 2023



EXHIBIT C

LEGACY PARK ESTATES

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

For Approximately 148.15 Acres

City of McLendon-Chisholm, Rockwall County, Texas

1. Purpose and Intent

This Planned Development District provide for the development standards for a planned subdivision containing 335 single-family residential lots with a minimum lot size of seven thousand two hundred square feet of land and a city park. This development is approximately 148.15 acres of land generally located near the existing McLendon-Chisholm on FM 550

2. Special Provisions

This Exhibit includes the PD Development Standards and the Concept Plan both of which are included and made a part of the ordinance adopting the Planned Development District.

- a. Minor amendments to the PD, including minor amendments to an approved Concept Plan or Development Plan, shall satisfy the following standards:
 - i. Does not increase density;
 - ii. Does not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lot.Requests to amend the PD or the Concept or Development Plans that fail to satisfy the standards of i. ii. Above shall be considered as a change in zoning and shall be required to satisfy the requirements of an original request for a change in zoning.
- b. Minor amendments amendment to the PDD including approved Concept or Development plans may be approved by the Mayor and the City Administrator. No action is required by the Planning and Zoning Commission or the City Council.
- c. Requests for minor amendments shall be made in writing and shall justify the reason or reasons for the requested amendment.

3. Development Plan

Prior to development of any portion of this planned development district, the City Council shall consider a development plan upon recommendation from the Planning and Zoning Commission.

Any development plan shall conform to the Concept Plan that has been approved and made a part of this ordinance.

This development may be constructed in phases. However, if constructed in phases, each phase shall have a development plan reviewed by the Planning and Zoning Commission and reviewed and approved by the City Council prior to any construction in that phase.

4. Development Standards

Lot layout shall conform to the Concept Plan that has been adopted and is part of this ordinance.

- a. This is a single-family zoning district.
- b. Permitted uses. In this zoning district, permitted uses are the same as in SF 1.5 of the City of McLendon-Chisholm Zoning Ordinance except as provided in this Development Agreement.
- c. Area requirements. Minimum residential lot size 7,200 square feet.
- d. Setbacks.

Front yard	20 feet
Side yard	5 feet
Rear yard	20 feet

Front yard setbacks shall be consistent for the entire block face. Side yard setbacks shall be consistent for the entire block face.

- e. Lot width. Minimum lot width is 60 feet.
For lots fronting on a cul-de-sac or eyebrow, the minimum lot width shall be measured at the front setback line. Corner lots may have the 10-foot side yard adjacent to the side street.
 - f. Lot depth. 120 feet.
 - g. Minimum Dwelling size. 2,000 square feet for 60' wide lots; 2,200 square feet for 80' wide lots.
 - h. Lot coverage. 70 percent.
 - i. Maximum Height. 36 feet.
 - j. Off-street parking. Shall conform to section 6-7, Off-street parking and loading requirements of the McLendon-Chisholm Zoning Ordinance.
 - k. Accessory structures. Shall conform to the requirements of section 6-3 of the McLendon-Chisholm Zoning Ordinance.
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WHEREAS, it is expressly understood that any Mutual Aid extended under this Agreement and the operational plans adopted pursuant thereto, is furnished in accordance with the "Texas Disaster Act" and other applicable provisions of law, and except as otherwise provided by law that the responsible local official in whose jurisdiction an incident requiring Mutual Aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him/her through the operation of such Mutual Aid plans.

NOW, THEREFORE, the Parties agree as follows:

1. **RECITALS.** The recitals set forth above are true and correct.
2. **DEFINITIONS.** For purposes of this Agreement, the terms listed below will have the following meanings:
 - A. **AGREEMENT** - this Mutual Aid Agreement, duly executed.
 - B. **ADMINISTRATIVE AGENCY** - the entity designated by the Parties to be responsible for maintaining and distributing Point of Contact information.
 - C. **ASSISTING PARTY** - the Party furnishing equipment, supplies, facilities, services, and/or personnel to the Requesting Party.
 - D. **CIVIL EMERGENCY** - an unforeseen combination of circumstances or the resulting consequences thereof within the geographic limits of a given jurisdiction that calls for immediate action or for which there is an urgent need for assistance or relief to protect the general citizenry.
 - E. **DISASTER** - the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, hazardous materials release or other water contamination, solar flare or electromagnetic event, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, energy emergency (as that term is defined in Chapter 418 of the Texas Government Code), acts of terrorism, and other public calamity requiring emergency action.
 - F. **EMERGENCY** - any occurrence, or threat thereof, whether natural or caused by man, in war or in peace, which results in substantial injury or harm to the population, or substantial damage to or loss of property.
 - G. **MUTUAL AID** - includes, but is not limited to, such resources as facilities, equipment, services, supplies, and personnel.
 - H. **MUTUAL AID COORDINATING AGENCIES** - Agencies or organizations specified by Mutual Aid Plans to facilitate requests for Mutual Aid.
 - I. **MUTUAL AID PLANS** - prewritten operating plans designed to support the Interjurisdictional Mutual Aid Agreement by providing procedures to accelerate activating, requesting, and providing Mutual Aid.

- J. **POINT OF CONTACT**- the individual or office authorized by the governing body of each Party to request or respond to a request for Mutual Aid on behalf of the Party. A Party's Emergency Management Director or Chief Executive Officer, Fire Chief, Police Chief, or Emergency Management Coordinator are possible Points of Contact.
- K. **REQUESTING PARTY** - the Party requesting aid in the event of a Disaster or a Civil Emergency.
3. **ADMINISTRATIVE AGENCY**. The Parties hereby designate the Rockwall County Office of Emergency Management to be the Administrative Agency under this Agreement. Rockwall County is responsible for maintaining current Points of Contact information and providing that information when requested.
4. **POINT OF CONTACT DESIGNATION**. Each Party shall provide the Administrative Agency with a written protocol by which its designated Points of Contact may be contacted twenty-four (24) hours a day, seven (7) days a week. This protocol will designate, by position, the person or persons authorized to obligate the Parties under the terms of this Agreement. Each Party must notify the Administrative Agency of any change in its Point of Contact protocol as soon as practicable by submitting it in writing to the Rockwall County Office of Emergency Management.
5. **IMPLEMENTATION OF AGREEMENT**. A Point of Contact for his/her respective jurisdiction shall take all steps necessary for the implementation of this Agreement.
6. **INITIATION OF AGREEMENT**. A request under this Agreement may be made by a Point of Contact after one of the following occurs:
- A. A declaration of a local state of Disaster pursuant to Chapter 418 of the Texas Government Code;
 - B. A finding of a state of Civil Emergency; or
 - C. The occurrence or imminent threat of an emergency such that local capabilities are or are predicted to be exceeded.
- The activation of the Agreement shall continue, whether the local disaster declaration or state of civil emergency is still active until the services of the Assisting Party are no longer required. Unless otherwise agreed upon the Assisting Party will be responsible for notifying the Requesting Party after 11 hours of deployment.
7. **PROCEDURES FOR REQUESTS AND PROVISION OF MUTUAL AID**. A Point of Contact may request Mutual Aid assistance by: (1) submitting a written request for Assistance to a Point of Contact of an Assisting City, 2) or orally communicating a request for Mutual Aid assistance to a Point of Contact of an Assisting Party, followed by a written request within twenty-four (24) hours. Mutual Aid shall not be requested by a Party unless it is directly related to the disaster or emergency and resources available from the normal responding agencies to the stricken area are deemed to be inadequate or are predicted to be expended prior to resolution of the situation. All requests for Mutual Aid must be transmitted by a Point of Contact of the Requesting Party to a Point of Contact of the Assisting Party or in accordance with the terms of the Plan.

A. REQUESTS DIRECTLY TO ASSISTING PARTY. The Requesting Party's Point of Contact may directly contact a Point of Contact of the Assisting Party and provide the necessary information as prescribed herein.

B. REQUIRED INFORMATION FROM REQUESTING PARTY. Each request for assistance shall be accompanied by the following information, to the extent known:

1. A general description of the damage or injury sustained or threatened;
2. Identification of the emergency service function or functions for which assistance is needed (e.g. fire, law enforcement, emergency medical, search and rescue, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and other medical services, etc.), and the particular type of assistance needed;
3. The amount, and type of personnel, equipment, materials, supplies, and/or facilities needed and a reasonable estimate of the length of time that each will be necessary;
4. The location or locations to which the resources are to be dispatched and the specific time by which the resources are needed; and
5. The name and contact information of a representative of the Requesting Party to meet the personnel and equipment of any Assisting Party at each location to which resources are dispatched.

This information may be provided on a form designed for this purpose or by any other available means.

C. ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE. When contacted by a Requesting Party, a Point of Contact from which aid is requested agrees to assess local resources to determine the availability of personnel, equipment, and other assistance based on current and anticipated needs. The Parties shall render assistance to the extent personnel, equipment, and resources are deemed available. A Party shall not be required to provide Mutual Aid unless it has sufficient resources to do so based on current or anticipated events within its own jurisdiction.

D. INFORMATION REQUIRED OF THE ASSISTING PARTY. A Point of Contact who determines that the Assisting Party has available personnel, equipment, or other resources, shall so notify the Requesting Party and provide the following information, to the extent known:

1. A complete description of the personnel and their expertise and capabilities, equipment, and other resources to be furnished to the Requesting Party;
2. The estimated length of time that the personnel, equipment, and other resources will be available;
3. The name of the person or persons to be designated as supervisory personnel; and
4. The estimated time of arrival for the assistance to be provided to arrive at the designated location.

This information may be provided on a form designed for this purpose or by any other available means.

E. SUPERVISION AND CONTROL. When providing assistance under the terms of this Agreement, the personnel, equipment, and resources of any Assisting Party will be under operational control of the Requesting Party, the response effort to which SHALL be

organized and functioning within an Incident Command System (ICS) or Unified Command System (UCS) format. Direct supervision and control of personnel, equipment, resources, and personnel accountability shall remain with the designated supervisory personnel of the Assisting Party. The designated supervisory personnel of the Assisting Party shall maintain daily personnel time records, material records, and a log of equipment hours. The Assisting Party shall also be responsible for the operation and maintenance of the equipment and other resources furnished by the Assisting Party and shall report work progress to the Requesting Party. The Assisting Party's personnel and other resources shall remain subject to recall by the Assisting Party at any time, subject to reasonable notice to the Requesting Party.

- F. **MUTUAL AID PLAN.** By their signatures below, each Party hereto certifies that it will provide Mutual Aid assistance under this Agreement in accordance with the North Central Texas Council of Governments Mutual Aid Plan.
- G. **FOOD, HOUSING AND SELF-SUFFICIENCY.** Subject to Paragraph 8 of this Agreement, the Requesting Party shall have the responsibility if a deployment lasts 12 hours or longer of providing food and housing if necessary for the personnel of the Assisting Party from the time of their arrival at the designated location to the time of their departure. The Requesting Party may specify only self-sufficient personnel and resources in its request for assistance.
- H. **COMMUNICATIONS.** Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Assisting Party and the Requesting Party. The Assisting Party personnel should be prepared to furnish their own communications equipment sufficient to maintain communications among their respective operating units if practicable.
- I. **RIGHTS AND PRIVILEGES.** Personnel who are assigned, designated, or ordered by their governing body to perform duties pursuant to this Agreement shall continue to receive the same wages, salary, pension, and other compensation and benefits for the performance of such duties, including injury or death benefits, disability payments, and workers' compensation benefits, as though the service had been rendered within the limits of the jurisdiction where the personnel are regularly employed.
- J. **TERM OF DEPLOYMENT.** The initial duration of a request for assistance will be specified by the Requesting Party, to the extent possible by the situation. As referenced at the end of Section 6, unless otherwise agreed upon, the Assisting party will be responsible for notifying the requesting party after 11 hours of deployment.
- K. **SUMMARY REPORT.** Within thirty (30) working days of the return of all personnel deployed under this Agreement, the Requesting Party will prepare a summary report of the event and provide copies to each Assisting Party. The report shall, at a minimum, include a chronology of events and a description of personnel, equipment, and materials provided by one Party to the other.
- L. **LICENSE PORTABILITY.** If the assistance of a person who holds a license, certificate, permit, or other document evidencing qualification in a professional, mechanical, or other skill is requested by a Party under this Agreement, the person is considered licensed, certified, permitted, or otherwise documented in the Requesting Party's jurisdiction in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or governing body of the Requesting Party.

8. **COSTS.** All costs associated with the provision of Mutual Aid, including but not limited to compensation for personnel; operation and maintenance of equipment; damage to equipment; medical expenses; and food, lodging, and transportation expenses shall be paid for by the Assisting Party and reimbursed by the Requesting Party at actual cost. The first twelve (12) hours of assistance will not require reimbursement by the Requesting Party. Requests for reimbursement must be submitted within sixty (60) working days of the return of all personnel deployed under this Agreement. This time may be extended upon agreement from both the Requesting and Assisting Parties. Costs and reimbursements shall be paid from the current funds of the respective Party. In the event federal and state funds are available for costs associated with the provision of Mutual Aid the Parties agree that the Requesting Party must make the claim for the eligible costs of the Assisting Party on its subrogation application and will disburse the federal share of funds to the Assisting Party. The Assisting Party may assume in whole or in part any costs associated with the provision of mutual aid or may loan or donate equipment or services to the Requesting Party without charge or cost.
- A. **DOCUMENTATION OF COSTS.** The documentation gathered for reimbursement should be consistent with federal reimbursement request documentation requirements and the current state mutual aid reimbursement guide. However, these documentation requirements can be reduced if both the Requesting and Assisting agencies are in agreement to reduce the documentation to fit their needs and requirements. The Assisting Party shall be responsible for creating and maintaining a record of all costs incurred for as long as required by current Federal or State Reimbursement guides. The language in this subsection applies to reimbursed and unreimbursed costs, in providing aid under this Agreement.
9. **INSURANCE**
- A. **WORKERS' COMPENSATION COVERAGE.** Each Party shall be responsible for its own actions and those of its employees and is responsible for complying with the Texas Workers Compensation Act.
- B. **AUTOMOBILE LIABILITY COVERAGE.** Each Party shall be responsible for its own actions and is responsible for complying with the Texas motor vehicle financial responsibility laws.
- C. **GENERAL LIABILITY, PUBLIC OFFICIAL'S LIABILITY AND LAW ENFORCEMENT LIABILITY.** Each Party agrees to obtain general liability, public official's liability and law enforcement liability insurance, if applicable, or maintain a comparable self-insurance program.
- D. **OTHER COVERAGE.** The Assisting Party shall provide and maintain their standard packages of medical and death benefit insurance coverage while their personnel are assisting the Requesting Party.
10. **WAIYER OF CLAIMS; IMMUNITY RETAINED.** Each Party hereto waives all claims against each other for compensation for any loss, damage, personal injury, or death occurring because of the performance of this Agreement, except those caused in whole or in part by the gross negligence of an officer, employee, or agent of each Party. Pursuant to §421.062, Texas

Government Code, the party furnishing services under this Agreement is not responsible for any civil liability that arises from furnishing those services. The Parties do not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, and agents arising from the performance of this Agreement.

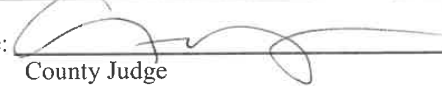
11. **EXPENDING FUNDS.** Each Party that performs services or furnishes aid pursuant to this Agreement shall do so with funds available from the then-current revenues of that Party. No Party shall have any liability for failure to expend funds to provide aid hereunder.
12. **TERM.** This Agreement shall become effective as to each Party on the date last signed below and shall continue in full force and effect and remain binding on the Parties for twelve (12) months from the effective date. This Agreement shall renew automatically for a period of one (1) year upon the completion of the initial term and each subsequent term unless and until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section 20 of this Agreement.
13. **ENTIRETY.** This Agreement contains all commitments and agreements of the Parties with respect to the Mutual Aid to be rendered hereunder during or in connection with a Disaster and/or Civil Emergency. No other oral or written commitments of the Parties with respect to Mutual Aid under this Agreement shall have any force or effect if not contained herein, except as provided in Section 18 below.
14. **RATIFICATION.** Each Party hereby ratifies the actions of its personnel and the rendering and/or receiving of mutual aid taken prior to the date of this Agreement.
15. **OTHER MUTUAL AID AGREEMENTS.** It is understood that the Parties may have previously contracted or may hereafter contract with each other or with other entities for Mutual Aid in Civil Emergency and/or Disaster situations. This agreement shall not be construed to apply to those separate or additional agreements.
16. **INTERLOCAL COOPERATION ACT.** The Parties agree that Mutual Aid in the context contemplated herein is a "governmental function and service" and that the Parties are "local governments" as that term is defined herein and in the Interlocal Cooperation Act, Texas Government Code, Chapter 791.
17. **SEVERABILITY.** If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
18. **VALIDITY AND ENFORCEABILITY.** If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified this Agreement shall continue in full force and effect.
19. **AMENDMENT.** This Agreement may be amended only by the mutual written consent of the Parties.
20. **TERMINATION.** Any Party may at any time by resolution or notice given to the other Cities/Parties decline to participate in the provision of Mutual Aid. The governing body of a Party which is a signatory hereto shall, by resolution, give notice of termination of participation in this Agreement and submit a certified copy of such resolution to the other Parties. Such

termination shall become effective not earlier than thirty (30) days after the filing of such notice. The termination by one or more of the Parties of its participation in this Agreement shall not affect the operation of this Agreement as between the other Parties hereto.

21. **THIRD PARTIES.** This Agreement is intended to inure only to the benefit of the Parties hereto. This Agreement is not intended to create, nor shall be deemed or construed to create any rights in third parties.
22. **NOTICE.** Any notice required or permitted between the Parties must be in writing, addressed to the attention of each respective County Judge, City Manager, Emergency Management Coordinator, or other authorized representative.
23. **WARRANTY.** The Agreement has been officially authorized by the governing or controlling body or agency of each Party hereto by order, ordinance, or resolution, and each signatory to this Agreement guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective Party to this Agreement.
24. **GOVERNING LAW AND VENUE.** The laws of the State of Texas shall govern this Agreement. In the event of an Emergency or Disaster physically occurring within the geographical limits of only one county that is a Party hereto, the venue shall lie in the county in which the Emergency or Disaster occurred. In the event of an Emergency or Disaster physically occurring in more than one county that is a Party hereto, the venue shall be determined in accordance with the Texas Rules of Civil Procedure.
25. **HEADINGS.** Headings contained within this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.
26. **SOVEREIGN IMMUNITY.** All Parties agree that none have waived their sovereign immunity by entering and performing their obligations under this Agreement. The Parties to this Agreement also do not waive or relinquish any defense on behalf of itself, officers, employers, agents, and volunteers as a result of its execution of this Agreement and the performance of the covenants contained herein.
27. **EXECUTED** by the Parties hereto, each respective entity acting by and through its duly authorized official, as required by law, on multiple count parts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such entity.

Rockwall County, Texas

NAME: Frank New Date: 1/23/24

Signature: 
County Judge

City of Rockwall, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

City of Royse City, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

City of Fate, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

City of McLendon-Chisholm, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

City of Heath, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

City of Rowlett, Texas

NAME: _____ Date: _____

Signature: _____
Mayor

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE CITY OF McLENDON-CHISHOLM, TEXAS, DECLARING THE RESULTS OF AN ELECTION HELD ON MAY 12, 2012, FOR THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE-HALF OF ONE PERCENT; PROVIDING FOR THE IMPOSITION OF AN ADDITIONAL SALES AND USE TAX ON THE SALES OF TAXABLE GOODS AND SERVICES WITHIN THE CITY AT THE RATE OF ONE-HALF OF ONE PERCENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of McLendon-Chisholm, Texas, has heretofore called for a general election on the question of whether the City should adopt an additional sales and use tax of one-half of one percent; and

WHEREAS, the City Council finds and determines that the aforesaid election was called and conducted in accordance with the requirements of law, and all lawful notices of said election were properly and lawfully given; and

WHEREAS, the aforesaid election was held on May 12, 2012, the proposition on which the vote was held was "The adoption of an additional sales and use tax at the rate of one-half of one percent;" and

WHEREAS, the total number of votes cast for the proposition was 56, and the number of votes cast against the proposition was 22; and

WHEREAS, the number of votes by which the proposition was approved was 56 to 22; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1. That the City Council of the City of McLendon-Chisholm, Texas, hereby finds and determines that the foregoing recitals are true and correct and are incorporated herein. The Council further finds and determines that on May 12, 2012, a general election was held within the City in accordance with the requirements of law whereby the voters of the City were asked to vote on the following proposition: "Authorizing the imposition of an additional sales and use tax at the rate of one-half of one percent." Following tabulation and canvassing of the

votes cast in favor of and against the aforesaid proposition, the Council finds and determines that the total number of votes cast for the proposition was 56 and the number of votes cast against the proposition was 22. Therefore, the number of votes by which the proposition was approved was 34 (or, 56 to 22).

SECTION 2. That the City Council of the City of McLendon-Chisholm, Texas, hereby adopts and imposes an additional sales and use tax of one-half of one percent on the sales of all taxable goods and services which shall be and is hereby effective immediately from and after the effective date of this ordinance as the law in such cases provides.

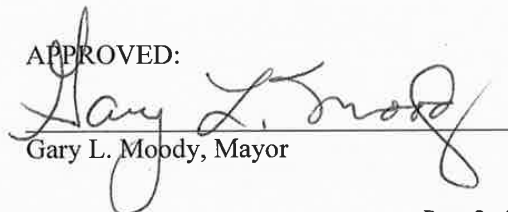
SECTION 3. That the City Council of the City of McLendon-Chisholm, Texas, does hereby repeal the exemption from sales and use taxes for sales within the City of telecommunications services in accordance with chapter 321, Texas Tax Code.

SECTION 4. The City Secretary is hereby authorized and directed to send to the Comptroller of the State of Texas by United States certified or registered mail a certified copy of this ordinance along with a map of the City of McLendon-Chisholm clearly showing its boundaries.

SECTION 5. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional, invalid or unenforceable, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

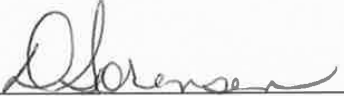
DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas, on the 22nd day of May, 2012.

APPROVED:


Gary L. Moody, Mayor

Page 2 of 3

ATTEST:



Deborah Sorensen, City Secretary





City of McLendon-Chisholm

Staff Report

Date: February 13, 2024

Agenda Item: Discuss/Action – Placing the following ballot language on a Special Election to be held May 4, 2024. “The repeal of sales and use tax within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked for public safety and/or economic development and/or streets/roads.”

(choose one or more) - **THE CHOICE WILL BE FOR THE CC, NOT ON THE BALLOT**

Fiscal Impact: Currently, the City is subsidizing the property tax at around \$200,000 per year gross or \$7.62 per month per resident. Our overall property tax rate is currently .0965 per \$100 – the very lowest in our County (by over 3 times) and one of the lowest in the State of Texas.

Background:

The City of McLendon-Chisholm has subsidized the city-wide property tax rate since 2012 with the sales and use tax.

The current fiscal impact of the sales tax subsidization of property tax is approximately \$200,000 and will continue to increase as the city receives additional sales tax.

This motion would allow the language above to be placed on a Special Election to be held on May 4, 2024.

Staff Assigned: Konrad Hildebrandt, City Administrator

Proposed Motion:

I MOVE that the following language be placed on a Special Election to be held on May 4, 2024:

“The repeal of sales and use tax within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked exclusively for public safety and/or economic development and/or streets/roads.

(Choose one or More)

CITY OF MCLENDON-CHISHOLM, TEXAS

ORDINANCE NO. 2024-01

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS APPROVING THE ORDER OF A SPECIAL ELECTION FOR THE PURPOSE OF DETERMINING WHETHER OR NOT TO REPEAL THE SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE QUARTER OF ONE PERCENT BEING USED TO REDUCE THE PROPERTY TAX RATE. THE ONE QUARTER OF ONE PERCENT SALES TAX SHALL BE EARMARKED FOR PUBLIC SAFETY AND/OR ECONOMIC DEVELOPMENT AND/OR STREETS/ROADS.

WHEREAS, the City of McLendon-Chisholm, Texas (“City”) is a Type A general-law municipality of the State of Texas; and

WHEREAS, the Texas Local Government Code provides special elections be held on an authorized uniform election date as provided by Chapter 41 of the Texas Election Code; and

WHEREAS, Chapter 41 of the Texas Local Government Code provides that the first Saturday in May, being May 4, 2024, is an authorized uniform election date for municipal elections; and

WHEREAS, the Texas Election Code requires that the governing body of the City is responsible for ordering the special election for determining whether or not to repeal the sales and use tax within the city at the rate of one quarter of one percent used to reduce the property tax rate as allowed under Tax Code Section 321.101; and

WHEREAS, the City will hold a special election on May 4, 2024 for the purpose of whether or not to repeal the sales and tax rate within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked for public safety and/or economic development and/or streets/roads.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1: The recitals set forth in the WHEREAS clauses of this ORDINANCE are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

SECTION 2: That the City Council hereby approves the City of McLendon-Chisholm, Texas Order of Special Election for the purpose of determining whether or not to repeal the sales and use tax within the city at the rate of one quarter of one percent used to reduce the property tax rate as allowed under **Tax** Code Section 321.101; a true and correct copy of which is attached to this ORDINANCE as Exhibit A for all purposes and authorizes the Mayor and Council Members to execute the Order.

SECTION 3: That this Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 13th DAY OF FEBRUARY 2024.

Adrienne Balkum, Mayor Pro Tem

ATTEST:

Rochelle Green, City Secretary

EXHIBIT A

CITY OF MCLENDON-CHISHOLM, TEXAS

ORDER OF SPECIAL ELECTION

An election is hereby ordered to be held on May 4, 2024, for the purpose of repealing the sales and use tax within the city at the rate of one quarter of one percent being used to reduce the property tax rate. The one quarter of one percent sales tax shall be earmarked exclusively for public safety and/or economic development and/or streets/roads.

Early voting by personal appearance shall be conducted on the following dates and times:

SUNDAY (Domingo)	MONDAY (Lunes)	TUESDAY (Martes)	WEDNESDAY (Miercoles)	THURSDAY (Jueves)	FRIDAY (Viernes)	SATURDAY (Sabado)
	APRIL 22 8am – 5 pm Early Voting	APRIL 23 8am – 5pm Early Voting	APRIL 24 8am – 5 pm Early Voting	APRIL 25 8am – 5pm Early Voting	APRIL 26 8am – 5pm Early Voting	APRIL 27 10am – 3pm Early Voting

SUNDAY (Domingo)	MONDAY (Lunes)	TUESDAY (Martes)	WEDNESDAY (Miercoles)	THURSDAY (Jueves)	FRIDAY (Viernes)	SATURDAY (Sabado)
APRIL 28** 11am – 2pm Early Voting	APRIL 29 7am - 7pm Early Voting	APRIL 30 7am - 7pm Early Voting				MAY 4 Election Day 7 am-7 pm

****Rockwall County Library ONLY**

TUESDAY, APRIL 30, 2024, IS THE LAST DAY OF EARLY VOTING

The Main Early Voting Polling Place will be at the Rockwall County Library, 1215 E Yellowjacket Lane, Rockwall, Texas 75087. Additional locations include the Cities of Heath, Fate, and Royse City.

The designated Election Day (May 4, 2024) polling location for McLendon-Chisholm voters shall be the McLendon-Chisholm City Hall, 1371 W. FM 550, McLendon-Chisholm, Texas 75032 from 7 a.m. to 7 p.m.

Application for a ballot by mail should be mailed to:

Mr. Christopher Lynch
Rockwall County Elections Administrator
915 Whitmore Drive, Suite D
Rockwall, Texas 75087
972/204-6200
clynch@rockwallcountytexas.com
rockwallcountytexas.com

Applications for a ballot by mail must be received no later than the close of business on April 23, 2024.

Issued this 13th day of January 2024.

EXHIBIT A

Keith Short
Mayor

Adrienne Balkum, Mayor Pro Tem
Council Member Place 4

Paul Day
Council Member Place 1

Floyd McLendon
Council Member Place 3

Bryan McNeal
Council Place 2

Daniel Tucker
Council Member Place 5

Attest:

Rochelle Green
City Secretary

CITY OF MCLENDON-CHISHOLM, TEXAS

ORDENANZA NO. 2024-01

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE MCLENDON-CHISHOLM, TEXAS, QUE APRUEBA LA ORDEN DE UNA ELECCIÓN ESPECIAL CON EL PROPÓSITO DE DETERMINAR SI SE DEROGA O NO EL IMPUESTO SOBRE LAS VENTAS Y EL USO DENTRO DE LA CIUDAD A UNA TASA DE UN CUARTO DE UNO POR CIENTO QUE SE UTILIZA PARA REDUCIR LA TASA DEL IMPUESTO A LA PROPIEDAD. EL CUARTO DEL UNO POR CIENTO DEL IMPUESTO SOBRE LAS VENTAS SE DESTINARÁ A LA SEGURIDAD PÚBLICA Y/O AL DESARROLLO ECONÓMICO Y/O A LAS CALLES/CARRETERAS.

CONSIDERANDO QUE, la Ciudad de McLendon-Chisholm, Texas ("Ciudad") es un municipio de ley general Tipo A del Estado de Texas; y

CONSIDERANDO QUE, el Capítulo 41 del Código de Gobierno Local de Texas establece que el primer sábado de mayo, que es el 4 de mayo de 2024, es una fecha de elección uniforme autorizada para las elecciones municipales; y

CONSIDERANDO QUE, el Código Electoral de Texas requiere que el cuerpo gobernante de la Ciudad sea responsable de ordenar la elección especial para determinar si se deroga o no el impuesto sobre las ventas y el uso dentro de la ciudad a la tasa de un cuarto de uno por ciento utilizado para reducir la tasa del impuesto a la propiedad según lo permitido por la Sección 321.101 del Código Tributario; y

CONSIDERANDO QUE, la Ciudad llevará a cabo una elección especial el 4 de mayo de 2024 con el propósito de derogar o no la tasa de impuestos sobre las ventas dentro de la ciudad a la tasa de un cuarto de uno por ciento utilizada para reducir la tasa del impuesto a la propiedad. La cuarta parte del uno por ciento del impuesto sobre las ventas se destinará a la seguridad pública y/o al desarrollo económico y/o a las calles/carreteras.

AHORA, POR LO TANTO, SEA RESUELTO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MCLENDON-CHISHOLM, TEXAS:

SECCIÓN 1: Los considerandos establecidos en las cláusulas CONSIDERANDO de esta ORDENANZA son verdaderos y correctos, constituyen hallazgos y determinaciones por parte del Concejo Municipal actuando en su capacidad legislativa y se incorporan al presente.

SECCIÓN 2: Que el Concejo Municipal aprueba por la presente la Orden de Elección Especial de la Ciudad de McLendon-Chisholm, Texas con el propósito de determinar si se deroga o no el impuesto sobre las ventas y el uso dentro de la ciudad a la tasa de un cuarto de uno por ciento utilizado para reducir la tasa del impuesto a la propiedad según lo permitido por la Sección 321.101 del Código Tributario; una copia fiel y correcta de la cual se adjunta a esta Ordenanza como Anexo A para todos los propósitos y autoriza al Alcalde y a los Miembros del Concejo a ejecutar la Orden.

ARTICULO 3: Que la presente Ordenanza entrará en vigencia inmediatamente después de su aprobación.

DEBIDAMENTE APROBADO Y APROBADO EL DÍA 13 DE FEBRERO DE 2024.

Adrienne Balkum, Alcalde interino

ATTEST:

Rochelle Green, Secretaria Municipal

EXHIBIT A**ORDEN DE ELECCIÓN ESPECIAL**

Por la presente se ordena que se celebre una elección el 4 de mayo de 2024 con el fin de derogar el impuesto sobre las ventas y el uso dentro de la ciudad a una tasa de un cuarto del uno por ciento que se utiliza para reducir la tasa del impuesto sobre la propiedad. El cuarto del uno por ciento del impuesto sobre las ventas se destinará exclusivamente a la seguridad pública y/o al desarrollo económico y/o a las calles/carreteras.

La votación anticipada por comparecencia personal se llevará a cabo en las siguientes fechas y horarios:

Domingo	Lunes	Martes	Miercoles	Jueves	Viernes	Sabado
	APRIL 22 8am -5 pm Votación Temprana	APR 23 8am – 5pm Votación Temprana	APR 24 8am - 5pm Votación Temprana	APR 25 8am – 5pm Votación Temprana	APR 28 8am – 5pm Votación Temprana	APR 27 10 am – 3 pm Votación Temprana

Domingo	Lunes	Martes	Miercoles	Jueves	Viernes	Sabado
**APRIL 28 11am-2pm Votacion Temprana	APRIL 29 7am - 7pm Votación Temprana	APRIL 30 7am –7pm Votación Temprana				MAY 4 7am – 7pm Dia de las elecciones

****BIBLIOTECA DEL CONDADO DE ROCKWALL SOLAMENTE**

EL MARTES 30 DE ABRIL DE 2024 ES EL ÚLTIMO DÍA DE VOTACIÓN ANTICIPADA

El lugar principal de votación anticipada estará en la Biblioteca del Condado de Rockwall, 1215 E Yellowjacket Lane, Rockwall, Texas 75087. Las ubicaciones adicionales incluyen las ciudades de Heath, Fate y Royse City.

El lugar de votación designado para el día de las elecciones (4 de mayo de 2024) para los votantes de McLendon-Chisholm será el Ayuntamiento de McLendon-Chisholm, 1371 W. FM 550, McLendon-Chisholm, Texas 75032 de 7 a.m. a 7 p.m.

La solicitud de una boleta por correo debe enviarse por correo a:

Sr. Christopher Lynch
Administrator de Elections
915 Whitmore Drive, Suite D
Rockwall, Texas 75087
972/204-6200
clynch@rockwallcountytexas.com
rockwallcountytexas.com

Las solicitudes de boleta por correo deben recibirse a más tardar el cierre del negocio el 23 de abril de 2024.

EXHIBIT A

Emitido este día 23 de enero de 2024.

Keith Short
Alcalde

Adrienne Balkum
Alcalde Interino

Bryan McNeal
Lugar del Concejal 2

Daniel Tucker
Lugar del Concejal 5

Paul Day
Lugar del Concejal 1

Floyd McLendon, Jr.
Lugar del Concejal 3

Atestiguar:

Rochelle Green
Secretario de la Ciudad



City of McLendon-Chisholm
Staff Report

Date: February 13, 2024

Agenda Item: Review/Action – Workshop action items that the City Council will be responsible for in order to expand the responsibilities of the Planning and Zoning commission to conduct activities consistent with the commission's required and discretionary functions in land use matters.

Fiscal Impact: NONE

Background: The City Council and Planning and Zoning Commission held a joint workshop on January 27, 2024, from 9am-1pm at the McLendon-Chisholm City Hall.

Topics covered at the workshop were commercial development, residential development, density, city branding, "look and feel" of the emerging city, application procedures regarding zoning and platting, roles and responsibilities of the City Council and Planning and Zoning Commission.

There was discussion regarding the roles, responsibilities, and authority of the commission as well as the purpose of the commission.

The following action items have been identified as the responsibility of the City Council:

- Draft a City Charter – this will be a 6-to-9-month process.
- Draft a City Strategic Plan – the city will seek out vendors through the RFP process to draft a strategic plan using the action items within the comprehensive plan as its basis.

The review and potential action on these items will allow the City Council to continue to move the city towards becoming a home rule city, expand the city's planning capacity, and help establish the city's brand.

Staff Assigned: Asa Woodberry, City Planner

Commented [AW1]: Is this me or you?