



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
June 13, 2017

The City Council of the City of McLendon-Chisholm convened in regular session on Tuesday, June 13, 2017, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Robert Steinhagen	Mayor
Adrienne Balkum	Council Member
James Herren	Council Member (Arrived 8:52 p.m.)
Wayne Orchard	Mayor Pro Tem
Sim Woodham	Council Member (Appointed 9:45 p.m.)
Scott Turnbull	Council Member

Staff Present:	David Butler	City Administrator
	Lisa Palomba	Acting City Secretary

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

2. Pastor Don McLane of the Transformation Anglican Church delivered the Invocation. Recitation of the Pledge of Allegiance to the United States and Texas flags followed the Invocation.

3. Mayor Steinhagen welcomed those attending the meeting and those viewing the meeting online via Facebook Live. Mayor Steinhagen then reviewed Council Meeting Guidelines including Rules of Decorum.

4. Citizens Comments

No one spoke.

5. Sonoma Public Improvement District (PID) Phase 2:

- a) **Public Hearing – Mayor Steinhagen opened the Public Hearing at 6:40 p.m. to receive input regarding the levy of assessments against property within the Sonoma PID Phase 2 to pay for public improvements for the District.** The applicant's representative, Robert Miklos, requested approval of the ordinance accepting and approving a Service and Assessment Roll for the Sonoma PID Phase 2. No one else spoke during the Public Hearing. Mayor Steinhagen closed the Public Hearing at 6:41 p.m.
- b) **Discussion and action regarding Ordinance accepting and approving a Service and Assessment Plan and Assessment Roll for the Sonoma PID Phase 2.** Mayor Pro Tem Orchard made a motion to approve, seconded by Council Member Balkum, Ordinance No. 2017-09 accepting and approving a

Service and Assessment Plan and Assessment Roll for the Sonoma PID Phase 2. Brief discussion followed. **A vote was cast and the motion was approved by unanimous consent (Herren, absent)**

- c) **Discussion and action regarding Resolution approving Sonoma PID Phase 2 Reimbursement Agreement.** City Attorney David Paschall addressed Council and explained a recent amendment to the proposed resolution on page 3, paragraph 4 adding language that indicates that in order to receive reimbursement the Developer must be current on all taxes, fees and obligations to the City. Mayor Steinhagen asked the City Attorney to clarify if such a late amendment was allowed as the document was amended after the agenda was posted. Paschall responded that the amendment does not affect the substance of the agreement so Council may act on the item this evening. Mayor Pro Tem Orchard moved to approve Resolution No. 2017-18R, Council Member Balkum provided a second to the motion. Discussion followed. Balkum requested clarification about the amendment. Paschall provided further explanation. **A vote was cast and the motion was approved by unanimous consent (Herren, absent)**

Mayor Steinhagen announced that Item 6 will be deferred until later in the meeting after Council Member Herren arrives.

7. Request from North East Texas Inspections for reimbursement for purchase of Error and Omissions Insurance; discussion and action. Mayor Pro Tem Orchard made a motion to approve the request from North East Texas Inspections for reimbursement for purchase of Error and Omissions Insurance in the amount of \$3,036.60, seconded by Council Member Turnbull. Discussion was held regarding insurance not included as part of the original amount; most inspectors carry this type of insurance and the new inspection contractor offers significant cost savings to the City. **A vote was cast and the request was approved by unanimous consent (Herren, absent).**

8. Establish goals, assign directives, form ad hoc committees, schedule workshops, special meetings and/or time during Regular Meetings to review and make recommendation for the following: a) **Land Development:** 1) **Comprehensive Plan and State Law;** 2) **Zoning Ordinance and State Law;** 3) **Subdivision Regulations and State Law;** and 4) **Construction Codes.** b) **Code of Ordinance;** c) **Extraterritorial Jurisdiction (ETJ);** d) **Communications.** Mayor Steinhagen opened the floor for discussion for the scheduling of work sessions and special meetings. Council Member Turnbull suggested the Comprehensive Plan review should be scheduled prior to the others. Possible dates were discussed. It was determined that City Planner, David Coker, should attend the meeting as well as the Planning and Zoning Commission and Board of Adjustment Members. City Administrator Butler reminded Council that special budget work sessions will also need to be held. Council Members agreed that a special work session to consider the Comprehensive Plan will be scheduled Thursday, July 6, 2017 at 6:30 p.m. It was noted that CPA Ray Smith should attend the meeting if available. Mayor Steinhagen paused the meeting at 7:01 p.m. to check the Facebook Live feed as it was reported the audio was not being broadcast. Council resumed discussion at 7:02 p.m. It was decided that a

special budget work session will be scheduled for July 13, 2017 at 6:30 p.m. Other discussion included Code of Ordinance recent updates. Some Council Members would like a hard copy of the Code of Ordinances while others will use the online version. There was discussion that the Code of Ordinances may be included as a topic on the July 6, 2017 special work session agenda.

9. Resolution approving a policy for requiring an Acknowledgement of Compliance Requirement and Commitment from members of the Planning and Zoning Commission; discussion and action. Mayor Steinhagen explained the purpose of the ordinance was to ensure Planning and Zoning Commission Members complied with standards established by the City Council. Further discussion was held. Council Member Turnbull made a motion to approve Resolution No. 2017-20R approving a policy for requiring Acknowledgement of Compliance Requirement and Commitment from members of the Planning and Zoning Commission. Council Member Orchard seconded the motion. **A vote was cast and the motion carried with unanimous consent (Herren, absent).**

10. Proposed Change to the procedure of appointments to the Planning and Zoning Commission; discussion and possible action. Council Member Turnbull referenced a handout for a suggested new process for selecting Regular and Alternate Planning and Zoning Commission Members. The proposed process includes procedure and timeline for appointment with the process beginning on April 1 with notice that applications are accepted through May 15 and final appointment at the Regular June Council Meeting. Discussion followed. Mayor Steinhagen remarked the proposed new process allows Council to have a voice on every appointment; current members can hold over until replaced. The new appointment process will take effect April 2018. Council Member Turnbull moved to approve, seconded by Council Member Balkum. **A vote was cast and the motion carried with unanimous consent (Herren, absent).**

11. Authorization for the Mayor to sell current equipment and items that are unnecessary or superfluous to fund purchases of other items to better meet the needs of the City; discussion and action. Mayor Steinhagen referenced an unneeded document camera, inadequate monitors, inadequate audio equipment and security concerns for reasons he would like to sell such equipment to generate funds to purchase equipment that functions more effectively for City business. Discussion was held among Council Members including possible replacement items; where to sell items and receiving fair market value. Mayor Steinhagen indicated he would come back to the Council if he needed additional funds. Council Member Orchard made a motion to approve authorizing the Mayor to sell current equipment and items that are unnecessary or superfluous to fund purchases of items to better meet the needs of the City. Council Member Balkum seconded the motion. **A vote was cast and the motion carried with unanimous consent (Herren, absent).**

12. Public Posting of official notices, including the City Hall bulletin board; discussion and action. Discussion was held regarding the current location of the bulletin board for posting official notices. The current location is on the front of City Hall but not directly adjacent to the main entrance. Possible alternatives were discussed including a kiosk stand; hinged board to hang in the Community Room which would be easily viewed by the public; security of such a board; lighting; digital and paper postings;

room for the possibility of multiple postings; monitor in entry foyer; taping notices on window; security of posting anywhere other than the bulletin board; and aesthetic aspects. The Mayor will get bids and provide information to Council. The Mayor recognized Daniel Lewis, 1223 FM 550, McLendon-Chisholm, who commented regarding dim lighting of the posting if it is posted inside City Hall.

13. Landscaping improvements proposals; discussion and action. The Mayor provided explanation of upgrading the landscaping at City Hall. Three bids were provided. Mayor Steinhagen suggested Land Art offered unique ideas regarding longevity of plant materials and then reviewed all bids received; other discussion included: Crepe Myrtles; Holly bushes; utilizing current plant material; dead plant material; and warranty of dead plant material. Council Member Turnbull asked questions about bidders providing a design. Steve Allen, 779 Stevens Road, indicated he would like to donate a Christmas tree to be included in the new landscaping. Council Member Turnbull requested approaching the three companies that submitted bids and requesting computer generated pictures of proposed designs. Mayor Steinhagen postponed action of the landscape bids until designs can be generated for Council to review.

14. Citizen Survey; discussion regarding content of the next citizen survey. Mayor Steinhagen opened the floor for discussion regarding survey content. Council Member Orchard suggested starting with the template used for the last survey; inviting citizen comments; using the same process; defining top issues and community concerns. Orchard suggested narrowing the survey down to 10-15 questions. Council Member Balkum suggested providing new citizens an opportunity to ask questions as they may be unfamiliar with the issues and some of their questions may be included in the survey. Council Member Turnbull commented regarding Extraterritorial Jurisdiction (ETJ) questions. Mayor Steinhagen commented about the September 30th deadline for budget approval and allowing citizens an opportunity to voice their opinion about the budget. Further discussion included the Fire Department requesting considerable funds; citizen feedback; ETJ issue and citizen involvement. Mayor Steinhagen commented that a key issue is the Texas Legislature has legislation pending regarding involuntary annexations. Council continued discussion including completing the survey prior to adopting the budget; suggestion to start drafting questions; debt should be a question topic and how to handle debt questions. Council Member Turnbull will try to draft debt questions. Council discussed not repeating the same survey questions as last year but perhaps refining some questions from last year. Council Member Turnbull recommends to not include ETJ questions in survey and if we do ask ETJ questions that the developer should pay for the survey. Further discussion included fear that citizens will focus only on ETJ questions; not rushing the survey; more surveys equal less participation; no more than four ETJ questions and ETJ will increase participation and the ETJ issue creates more restrictions than budget as far as timing. Mayor Steinhagen remarked that he does not want to extend the ETJ negotiation process for a long length of time; will try to resolve in the next six weeks; efforts will define City's non-negotiables and the Developer's non-negotiables; any annexation opportunity would be put before the citizens if Developers do not wish to abide by 1.5 acre minimum lot requirement. Mayor Steinhagen indicated he would prefer ETJ questions be included in the survey. Council Member Turnbull is concerned about rushing; City Attorney David Paschall

provided information about the pending legislation regarding involuntary annexation. Discussion continued regarding the survey including: the survey should be completed by August 1, 2017; registered voters and landowners eligible to respond; multiple eligible people in household may take survey; accurate measurement of citizen opinions; invitation for survey will have a code; finalize questions at July 18th special meeting for budget and survey work session; first mailout of survey July 26, 2017; second mailout August 2, 2017; third mailout August 9, 2017; close of survey August 15, 2017 and printed report August 22, 2017. Other discussion included public participation via live feed and sending in questions.

Mayor Steinhagen recessed the meeting at 8:36 p.m.

Council Member Herren arrived at 8:52

Mayor Steinhagen reconvened the meeting at 8:52.

Mayor Steinhagen announced consideration of Item 6.

6. Vacancy in City Council Place 4 position; discussion and possible action regarding a) Appointing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018 and approval of Resolution making the appointment; b) Ordering a Special Election to be held on Tuesday, November 7, 2017 for the purpose of electing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018; or c) Leaving the seat vacant until May 5, 2018. Mayor Steinhagen opened the floor for discussion. Council Member Orchard moved to approve option c) Leaving the seat vacant until the next regular municipal election May 5, 2018. Council Member Turnbull seconded the motion. Discussion was held regarding the motion including concern about leaving the seat vacant and the possibility of not having a quorum if members are absent. Remote participation was also discussed as well as a requirement of a super majority quorum for special meetings held. **A vote was cast and the motion failed with 2 in favor and 3 against (Herren, Balkum, Steinhagen). Steinhagen voted to break the tie.**

Discussion continued. Council Member Herren moved to approve option a) Appointing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018 and approval of Resolution making the appointment. Council Member Balkum seconded the motion. Discussion was held regarding the motion. Mayor Steinhagen asked City Attorney David Paschall if it is appropriate to split the item into two motions, a) Appointing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018 and b) approval of Resolution making the appointment. Paschall agreed that it would be appropriate. Council Member Herren indicated he had no objection on splitting the item into two separate motions. **A vote was cast and option a) Appointing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018, failed with 2 in favor and 1 against (Orchard) and 1 abstaining (Turnbull).**

The City Attorney announced that majority approval is required for a motion to pass. Mayor Steinhagen indicated he is in favor of the motion. Council Member Turnbull requested clarification regarding the Mayor being allowed to vote if the item were a tie. City Attorney Paschall indicated that Council Member Turnbull's abstention would count as a negative vote which creates a tie so the Mayor's vote may count as a vote to

approve the motion. Council Member Turnbull requested to reconsider the question to avoid confusion: appointing a person to fill the vacancy and to serve until the next regular municipal election on May 5, 2018. **A vote was cast with 2 in favor and 2 against (Orchard, Turnbull). Mayor Steinhagen cast a vote in favor of the motion to break the tie. The motion carried.**

Mayor Steinhagen opened the floor for nominations for the City Council Place 4 open position. Council Member Turnbull nominated Sim Woodham. Woodham indicated he accepts the nomination. No other names were placed in nomination. Council Member Turnbull moved to close nominations. Council Member Orchard seconded the motion. Council Member Turnbull moved to close nominations. **Council Member Orchard seconded the motion. The motion carried by unanimous consent (Place 4, vacant).**

Mayor Steinhagen offered the floor to Sim Woodham, 502 High Water Crossing. Woodham expressed that his opinions do not reflect those of his employer and that he does not represent his employer, the Dallas Police Department. Woodham discussed fundamentals and foundations; City currently at a crossroads; City must plan for substantial financial foundation for the future; cash reserves very important; budget must balance without acquiring debt; independence and self-reliance; slow and steady growth so as to not outgrow infrastructure; must ensure that developers and businesses become good neighbors to existing citizens; favors large lots; sound and responsible decisions; accountability; development should be a natural and organic process; those seeking commercial opportunities must be good neighbors; money and politics must take a back seat to doing the right thing; wants to be part of the solution and encouraged all citizens to get engaged in the community.

Council Member Turnbull thanked Woodham for volunteering to serve and attending so many meetings. Herren also thanked Woodham and welcomed him. Further discussion included Woodham's availability for meetings and his profession as police officer.

City Attorney Paschall referred to the language in the Resolution as suggested format for a motion. Council Member Orchard moved to approve a Resolution No. 2017 - 19R appointing Sim Woodham to fill the vacancy of Council Member Place 4 and serve until the May 5, 2018 regular election. Council Member Herren seconded the motion. **The motion carried by unanimous consent.**

Mayor Steinhagen recessed the meeting at 9:37 p.m.

Mayor Steinhagen reconvened the meeting at 9:44 p.m.

Acting City Secretary Lisa Palomba administered the Oath of Office to newly appointed Council Member Sim Woodham. Many congratulations and applause followed. **Council Member Woodham immediately took his seat at the dais.**

15. Mayor Steinhagen recessed the Regular Meeting to go into Executive Session (closed meeting) at 9:47 in accordance with Government Code:

- a) Section 551.071: Consultation with Attorney, to conduct a private consultation with the City Attorney to seek advice about pending or contemplated litigation or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, regarding the Board of Adjustment; and
- b) Section 551.071: Consultation with Attorney, to conduct a private consultation with the City Attorney to seek advice about pending or contemplated litigation or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, regarding ETJ negotiations with City of Rockwall.

16. Mayor Steinhagen reconvened the Regular Meeting at 11:24 p.m.

17. Mayor Steinhagen announced that regarding Item 15a, Council has directed the City Attorney to draft a Charge of Removal for Cause against Board of Adjustment Member Lance Agee. No action was taken regarding Item 15b.

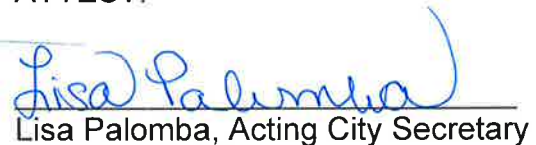
18. Council Member Woodham moved to adjourn the meeting. Council Member Orchard seconded the motion. The motion to adjourn was approved by unanimous consent and the meeting adjourned at 11:26 p.m.

APPROVED:



Robert Steinhagen, Mayor

ATTEST:



Lisa Palomba, Acting City Secretary

