



CITY COUNCIL
City of McLendon-Chisholm, Texas
June 14, 2016
Minutes

City Council Present:	Nathan Hodges	Mayor
	Jerry Klutts	Council Member
	Gary Lovell	Council Member
	Wayne Orchard	Council Member
	Patrick Short	Council Member
	Robert Steinhagen	Council Member
Staff Present:	David Butler	City Administrator
	Stephanie Galanides	City Secretary

Mayor Hodges called the meeting to order and delivered the invocation at 6:30 p.m. Attendees recited the Pledges of Allegiance to the United States and Texas flags.

CITIZENS COMMENTS.

Adrienne Balkum, 1518 Firenza Court, expressed concerns regarding and submitted photos depicting drainage issues in the Sonoma Verde addition.

John Revell, 1519 Firenza Court, expressed concerns regarding the monthly sewer fee rate for residents of Sonoma Verde.

CONSENT AGENDA.

- a. Approve Minutes of May 24, 2016.
- b. Accept Building Official Report for May 2016.
- c. Accept Rockwall County Sheriff Activity for May 2016.
- d. Accept McLendon-Chisholm Volunteer Fire Department and EMS Activity for May 2016.

Steinhagen expressed objection to all items on the Consent Agenda.

MOTION: CHANGE THE ORDER OF THE AGENDA TO MOVE ITEMS "b", "c" AND "d" ON THE CONSENT AGENDA TO THE END OF REGULAR BUSINESS ON THE AGENDA TO JUST BEFORE CURRENT ITEM "O" (STAFF REPORTS, COUNCIL COMMENTS AND DIRECTION).

MOTION MADE: STEINHAGEN
SECONDED: KLUTTS
APPROVED: UNANIMOUS

MOTION: CHANGE THE ORDER OF THE AGENDA TO MOVE ITEMS "k", "l" AND "m" AHEAD ON THE AGENDA TO COME AFTER ITEM "b" PERTAINING TO RESOLUTION 2016-08R.

MOTION MADE: STEINHAGEN
SECONDED: ORCHARD
APPROVED: UNANIMOUS

Election of Mayor Pro Tem.

MOTION: ELECT GARY LOVELL AS MAYOR PRO TEM.

MOTION MADE: KLUTTS
SECONDED: STEINHAGEN
APPROVED: UNANIMOUS

Discussion and action regarding Resolution 2016-08R authorizing the Creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

Rockwall Fire Chief Mark Poindexter presented and answered questions regarding the proposed creation of the North Central Texas Regional 9-1-1 Emergency Communications District (District) to be comprised of 136 cities within 13 counties. Poindexter provided background regarding 9-1-1 services, staffing and funding. Poindexter stated that creation of the District would provide increased local control of funding generated by a 50 cent monthly fee paid by all telephone account holders that is currently controlled by the State.

MOTION: APPROVE RESOLUTION 2016-08R AUTHORIZING THE CREATION OF THE NORTH CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.

MOTION MADE: SHORT
SECOND: ORCHARD
APPROVED: UNANIMOUS

Discussion and possible action to officially establish parliamentary procedures to govern city meetings.

MOTION: UNLESS OTHERWISE PROVIDED FOR BY THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF TEXAS, THE STATUTES OF THE UNITED STATES, STATE OF TEXAS, COUNTY OF ROCKWALL, TEXAS, OR MCLENDON-CHISHOLM, TEXAS, THE CURRENT EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED, WHICH IS HEREBY ADOPTED BY REFERENCE, SHALL BE THE PARLIAMENTARY AUTHORITY GOVERNING ALL MEETINGS OF THE CITY OF MCLENDON-CHISHOLM, INCLUDING, BUT NOT LIMITED TO, COUNCIL APPOINTED COMMITTEES &/OR BOARDS.

MOTION MADE: STEINHAGEN
SECONDED: KLUTTS

There was discussion regarding the motion. Steinhagen expressed the opinion that Robert's Rules of Order (Rules) would provide greater leverage and protection for citizens that wish to provide input and participate in meetings. Short expressed concerns that adoption of the Rules might be overly constrictive and could hamper proceedings. Short suggested that action be deferred in order to further study the impact of adopting the Rules. Lovell inquired regarding how points of order would be determined and whether a parliamentarian would be needed.

MOTION: DEFER ACTION REGARDING ADOPTION OF ROBERT'S RULES OF ORDER.

MOTION MADE: SHORT

Steinhagen stated that Rules would protect the rights of citizens to be heard and also protect all voices on the Council and that there should be no need for a parliamentarian. Steinhagen stated that strict adherence to the Rules was not required and that the Council could vote to suspend the Rules. Steinhagen stated that the Rules were important in instances in which minority voices had been or might be silenced.

Short's motion died for lack of a second.

There was further discussion regarding adoption of the Rules.

VOTE ON MOTION (above) MADE BY STEINHAGEN AND SECONDED BY KLUTTS TO ADOPT ROBERT'S RULES OF ORDER AS PRESENTED:

APPROVED: UNANIMOUS

Discussion and possible action to establish agenda procedures.

MOTION: NO MEMBER OF THE CITY COUNCIL CAN BE DENIED THE RIGHT TO PLACE AN ITEM OR ITEMS ON THE AGENDA OF THE MOST IMMEDIATELY REGULAR SCHEDULED CITY COUNCIL MEETING THAT HAS BOTH MAJORITY SUPPORT OF MEMBERS AND HAS

BEEN SUBMITTED TO THE MAYOR NOT LESS THAN FOUR BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING.

MOTION MADE: STEINHAGEN

There was discussion regarding the motion and regarding the time span for submission of agenda items. Steinhagen amended to the motion as specified below.

MOTION: NO MEMBER OF THE CITY COUNCIL CAN BE DENIED THE RIGHT TO PLACE AN ITEM OR ITEMS ON THE AGENDA OF THE MOST IMMEDIATELY REGULAR SCHEDULED CITY COUNCIL MEETING THAT HAS BOTH MAJORITY SUPPORT OF MEMBERS AND HAS BEEN SUBMITTED TO THE MAYOR NOT LESS THAN FIVE BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING.

MOTION MADE: STEINHAGEN

Discussion regarding procedures for placing items on the agenda continued. City Attorney David Paschall confirmed that communication (email) regarding placing item(s) on an agenda was not technically in violation of the Texas Open Meetings Act as long as the communication did not result in discussion or communications other than an objection to the item(s) being placed on an agenda. Paschall stated that the Attorney General had opined that, unless the Council has adopted a written policy that specifies otherwise, any Council Member has the right to place items on an agenda. Steinhagen expressed interest in seeing the Attorney General opinion and stated that if state law already provided the right for any Council Member to place items on the agenda, he would withdraw the motion. Short stated that he would like to see the motion amended to add a clause providing the Mayor authority to add items within 72 hours of the meeting.

Steinhagen withdrew the motion. No action was taken by the Council.

Discussion and possible action to provide a tax-cap for seniors.

MOTION: ESTABLISH A TAX CAP FOR SENIOR CITIZENS OF McLENDON-CHISHOLM PURSUANT TO STANDARDS ESTABLISHED BY THE COUNTY TAX ASSESSOR.

MOTION MADE: STEINHAGEN

SECONDED: ORCHARD

There was discussion regarding previous considerations regarding taxation issues for senior citizens. Steinhagen stated that an ordinance, if approved, would ensure that the tax rate for senior citizen would never be increased. Paschall confirmed that if adopted, a senior citizen tax cap is irrevocable. Steinhagen stated that adoption of a senior citizen tax cap would demonstrate commitment to minimize taxes and help to maintain the rural nature of the City.

APPROVED: UNANIMOUS

Presentation Rockwall County Emergency Management Services.

Rockwall County Emergency Management Coordinator Joe Delane presented and answered questions regarding Emergency Management Procedures. Items discussed included planning and preparedness, training, applications for grants and funding opportunities, roles and responsibilities of incident commanders, staff members, elected officials and volunteers in the instance of a disaster and emergency notification systems. Delane encouraged subscribing to NIXLE (*Text RCOEM to 888777.*) to receive alerts from Rockwall County Emergency Management. No action was taken by the Council.

MOTION: RECESS THE MEETING (8:07 P.M.)

MOTION MADE: SHORT

SECONDED: ORCHARD

APPROVED: UNANIMOUS

Hodges reconvened the meeting at 8:16 p.m.

Request to change the zoning on Tract 4-7 in the H. K. Newell Survey Abstract 0167 (2811 Rochelle Road) from SF2.5 (2.5 Acre minimum lot size) to SF1.5 (1.5 acres minimum lot size) – submitted by Frances Egan;

Frances Egan presented the request to change the zoning on her property (4.3 acres) at 4311 Rochelle Road that is currently zoning SF2.5 in order to subdivide the property into two lots, one to be 2 acres and the second to be 2.3 acres in size. Egan stated that she planned to build a new home on the second lot and to sell their current home.

Receive Planning and Zoning Commission Recommendation.

City Planner Mike Coker stated that the proposed re-zoning was consistent with the City's Comprehensive Plan. Chairman Jay Webb reported that, on June 7, the Planning and Zoning Commission conducted a public hearing and considered the request and a single response from a neighboring property owner that indicated approval provided that no access is taken off of Ridgelake Lane. Webb stated that the Commission voted unanimously to recommend approval of the request.

PUBLIC HEARING – To receive input regarding the Request.

The Mayor opened the public hearing at 8:19 p.m. and there being no one present to provide input regarding the request, closed the public hearing at 8:19 p.m.

Discussion and Action regarding the Request.

There was discussion regarding the request. Steinhagen noted that a 2nd response from a neighboring property owner indicated opposition and questioned how many more houses would be built. Webb stated that the second response was not included in the Commission's meeting packet. Steinhagen expressed concerns regarding and no confidence in the City's Comprehensive Plan and reluctance to approve without further consideration.

MOTION: APPROVE ORDINANCE 2016-07 CHANGING THE ZONING ON TRACT 4-7 IN THE H. K. NEWELL SURVEY ABSTRACT 0167 (2811 ROCHELLE ROAD) FROM SF2.5 (2.5 ACRE MINIMUM LOT SIZE) TO SF1.5 (1.5 ACRES MINIMUM LOT SIZE).

MOTION MADE: SHORT
SECONDED: KLUTTS
APPROVED: FOR: KLUTTS, LOVELL, ORCHARD, SHORT
 OPPOSED: STEINHAGEN

Discussion and action regarding Resolution 2016-09R Approving First Amendment to Bella Lagos Development Agreement for approximately 264 acres of property partially in the City's ETJ and partially in the City limits and generally located north east of Rabbit Ridge Road and FM 550.

Chris Cuny, F. C. Cuny Corporation, presented and answered questions regarding the proposed amendment to the Bella Lagos Development Agreement approved in January 2016. Cuny stated that the proposed amendment removed the City of McLendon-Chisholm from negotiations between the developer and the City of Heath pertaining to right-of-way dedication and participation in improvements to Rabbit Ridge Road. City Attorney David Paschall stated that the amendment would remove Article 10 from the existing agreement. Steinhagen expressed opposition to development that includes lots less than 1.5 acres in size.

MOTION: APPROVE RESOLUTION 2016-09R APPROVING FIRST AMENDMENT TO BELLA LAGOS DEVELOPMENT AGREEMENT FOR APPROXIMATELY 264 ACRES OF PROPERTY PARTIALLY IN THE CITY'S ETJ AND PARTIALLY IN THE CITY LIMITS.

MOTION MADE: SHORT
SECONDED: KLUTTS
APPROVED: FOR: KLUTTS, LOVELL, SHORT
 OPPOSED: ORCHARD, STEINHAGEN

Discussion and action regarding Ordinance 2016-05 annexing approximately 201.857 acres in the ETJ of the City generally located north and east of Rabbit Ridge Road and FM 550 and part of the development known as Bella Lagos.

Cuny stated that a petition for annexation was submitted for 201.857 acres currently within the City's extraterritorial jurisdiction as provided for in the Bella Lago Development Agreement. Steinhagen and Orchard stated opposition to the annexation and to lot sizes less than 1.5 acres in size. Short expressed recognition that the property owners had been working on the proposed development for number of years. Short stated that the City Council had approved the current development agreement in January 2016 and stated his opinion that annexation would afford the City greater control of future development on the property. Cuny participated in the discussion.

MOTION: APPROVE ORDINANCE 2016-05 ANNEXING APPROXIMATELY 201.857 ACRES IN THE ETJ OF THE CITY GENERALLY LOCATED NORTH AND EAST OF RABBIT RIDGE ROAD AND FM 550 AND PART OF THE DEVELOPMENT KNOWN AS BELLA LAGOS.

MOTION MADE: SHORT

The motion died for lack of a second. Orchard suggested that there be further discussion regarding the future development of the property in keeping with a minimum lot size of 1.5 acres.

MOTION: DEFER ACTION REGARDING ORDINANCE 2016-05 ANNEXING APPROXIMATELY 201.857 ACRES IN THE ETJ OF THE CITY GENERALLY LOCATED NORTH AND EAST OF RABBIT RIDGE ROAD AND FM 550 AND PART OF THE DEVELOPMENT KNOWN AS BELLA LAGOS PENDING FURTHER DISCUSSION DURING A WORK SESSION.

MOTION MADE: SHORT

The motion died for lack of a second.

Short expressed regret that Cuny would not have the opportunity to further explain the proposed development. Short thanked Cuny for his service. Steinhagen stated that Cuny had been afforded ample opportunity to present and answer questions regarding the property.

Discussion and action regarding Resolution 2016-10R Providing for Authorized Signatories to the City's Accounts with Alliance Bank, Wilmington Trust, TexPool and Logic.

MOTION: APPROVE RESOLUTION 2016-10R PROVIDING THAT MAYOR HODGES, COUNCIL MEMBER KLUTTS, MAYOR PRO TEM LOVELL, CITY ADMINISTRATOR DAVID BUTLER AND CITY SECRETARY STEPHANIE GALANIDES BE DESIGNATED AS AUTHORIZED SIGNATORIES TO THE CITY'S ACCOUNTS WITH ALLIANCE BANK, WILMINGTON TRUST, TEXPOOL AND LOGIC.

MOTION MADE: SHORT

SECONDED: ORCHARD

APPROVED: UNANIMOUS

Discussion and action regarding Resolution 2016-11R Appointing a Representative to the County of Rockwall Emergency Services Corporation Board.

MOTION: APPROVE RESOLUTION 2016-11R APPOINTING MAYOR NATHAN HODGES AS REPRESENTATIVE TO THE COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION BOARD.

MOTION MADE: STEINHAGEN

SECONDED: SHORT

APPROVED: UNANIMOUS

Discussion and action regarding the Financial Reports for April 2016.

Reports will be presented at the June 28 meeting. No action was taken by the Council.

Discussion and action regarding Appointments to the Board of Adjustment.

The Mayor stated that there were currently two vacancies for alternates to the Board of Adjustment.

MOTION: DEFER ACTION REGARDING APPOINTMENTS TO THE BOARD OF ADJUSTMENT TO JUNE 28.

MOTION MADE: STEINHAGEN
SECONDED: SHORT
APPROVED: UNANIMOUS

There was discussion regarding the function of the Board of Adjustment. Council asked that staff provide the Council a list of current members and information such as background and resumes.

Discussion regarding Website/Community Communications.

Orchard volunteered to research options regarding the City's website, push notifications and other communication options. Orchard stated that there were volunteers interested in helping design a new website with enhanced communication abilities.

Discussion and possible action regarding constituent communications to and from elected officials &/or city staff.

Steinhagen inquired regarding procedures for responses to questions, concerns and questions expressed by citizens. City Administrator Dave Butler provided examples of responses to various types of communications. Discussion confirmed that a standard response procedure was not established. Steinhagen provided as an example for concern, an instance in which he submitted a complaint regarding the use of the City Hall Community Room for the April 18 candidate forum he characterized as undeniably biased and stated that he did not receive a response from the City. Butler stated that the requested use of the Community Room for the candidate forum was discussed with the City Council and as no objections were expressed, the use was permitted. Steinhagen asked that action regarding the item be deferred to the next or a future meeting to provide time for him to review the audio of past City Council meetings. Short noted that the requested use of the Community Room for the April 18 candidate forum was discussed at a City Council meeting and no objections were expressed. No action was taken by the Council.

City Administrator Report.

Butler provided information regarding 1.) Upcoming Texas Department of Transportation (TxDOT) public meetings to discuss proposed improvements to SH 205 from US 80 to SH 78 in Kaufman, Rockwall, and Collin Counties; 2.) Response to resident concern regarding an on-site sewage facility (OSSF) issue in Chisholm Crossing; 3.) Code enforcement actions; 4.) Response to drainage concerns in the Sonoma Verde addition; 5.) Letters sent to residents regarding OSSF maintenance contracts and inspections reports; and 6.) Proposals for exterminator services for City Hall.

Discussion regarding Annual Budget for Fiscal Year that starts October 1, 2016 and ends September 30, 2017.

A budget work session was scheduled for Saturday, June 25, 2016 beginning at 9:00 a.m.

Accept Building Official Report for May 2016.

Accept Rockwall County Sheriff Activity Report for May 2016.

Accept McLendon-Chisholm Volunteer Fire Department and EMS Activity for May 2016.

MOTION: ACCEPT THE MAY 2016 BUILDING OFFICIAL REPORT, THE SHERIFF ACTIVITY REPORT AND THE FIRE DEPARTMENT AND EMS ACTIVITY REPORT.

MOTION MADE: SHORT

There was discussion regarding the reports historically included on a Consent Agenda.

Short withdrew the motion.

The consensus of the Council was that the Building Official Report, the Sheriff Activity Report and the Fire Department and EMS Activity Report did not require action of the Council and should be listed as report items only on future agendas. Short suggested that there be future discussion regarding use of a transcription service for City Council meetings. Steinhagen suggested that retention requirements for audio recordings be amended in order that they be kept permanently.

MOTION: INCLUDE REGULAR ITEMS SUCH AS MONTHLY BUILDING OFFICIAL REPORT, THE SHERIFF ACTIVITY REPORT AND THE FIRE DEPARTMENT AND EMS ACTIVITY REPORT AS REPORT ITEMS ONLY ON FUTURE AGENDAS.

MOTION MADE: STEINHAGEN

SECONDED: SHORT

APPROVED: UNANIMOUS

Approve Minutes of May 24, 2016.

Action regarding the minutes of May 24, 2016 was deferred to the June 28 meeting.

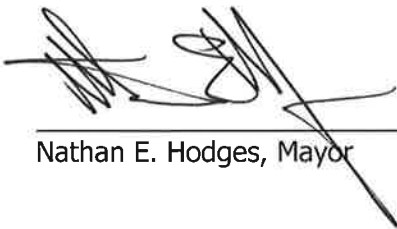
MOTION: ADJOURN THE MEETING (9:35 P.M.).

MOTION MADE: SHORT

SECONDED: KLUTTS

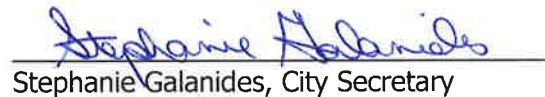
APPROVED: UNANIMOUS

APPROVED:



Nathan E. Hodges, Mayor

ATTEST:



Stephanie Galanides, City Secretary