



**CITY COUNCIL**  
**City of McLendon-Chisholm, Texas**  
**July 12, 2016**  
**Minutes**

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

Mayor Hodges called the meeting to order at 6:34 p.m. A moment of silence was observed to honor the City of Dallas and Dallas Area Rapid Transit officers whose lives were tragically taken in the line of duty on July 7, 2016. Short delivered the invocation. Attendees recited the Pledges of Allegiance to the United States and Texas flags.

**CITIZENS COMMENTS**

Mark Kipphut, 31 Fireside Drive expressed appreciation for the City support for law enforcement personnel. Kipphut inquired regarding determination of the amount of the filing fees charged for on-site sewage system facilities inspection reports. Kipphut expressed concern regarding the proposed repealing of ordinances that established the Planning and Zoning Commission and Board of Adjustment, stating that the volunteer boards performed essential roles and that their elimination would run counter to the desire to increase citizen involvement in city government.

**Discussion and action regarding the Minutes of June 14, June 25 and June 28, 2016.**

**MOTION: APPROVE THE MINUTES OF:**

- **JUNE 14 AS REVISED ON PAGE 1 TO ADD THE NAME OF THE SUBDIVISION TO THE SENTENCE REGARDING CONCERN EXPRESSED BY JOHN REVELL;**
- **JUNE 25 AS REVISED ON PAGE 2 TO SPECIFY THAT CITIZEN CONCERNS REGARDING TREE PLANTING REQUIREMENTS IN THE SONOMA VERDE ADDITION PERTAINED TO TEXAS RED OAKS AND THAT THE RESIDENT SUGGESTED THAT REQUIREMENTS BE REVISED TO ALLOW ORNAMENTAL TREES WITH LESS INVASIVE ROOT SYSTEMS; AND**
- **JUNE 28, 2016.**

MOTION MADE:           LOVELL

SECONDED:               KLUTTS

APPROVED:               UNANIMOUS

(Absent: Orchard)

**Discussion and action regarding Ordinance amending Section 3.02.001, repealing Section 3.02.003 and renumbering Section 3.02.004 of Article 3.02 of Chapter 3, "Building Regulations," of the Code of Ordinances relating to Non-Enforcement of Building Codes in the City's Extraterritorial Jurisdiction.**

City Attorney David Paschall answered questions regarding the proposed ordinance that updates the Code of Ordinances to be consistent with Texas Supreme Court Decision No. 15-0106 that ruled that a general-law municipality cannot require building permits in its extraterritorial jurisdiction.

**MOTION: APPROVE ORDINANCE 2016-10 AMENDING SECTION 3.02.001, REPEALING SECTION 3.02.003 AND RENUMBERING SECTION 3.02.004 OF ARTICLE 3.02 OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES RELATING TO NON-ENFORCEMENT OF BUILDING CODES IN THE CITY'S EXTRATERRITORIAL JURISDICTION AS REVISED IN EXHIBIT 1, SEC. 3.02.001, SUBSECTION (a) TO READ AS FOLLOWS:**

**"(1) Regulating the erection, construction, enlargement, alteration, repair, maintenance, fitness for use and occupancy, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city; and**

**(2) Providing for issuance of permits and collection of fees for such permits. All such fees, unless otherwise specified herein, shall be charged, assessed and collected in the amounts and rates set forth in the city's master fee schedule."**

MOTION MADE: SHORT

SECONDED: KLUTTS

APPROVED: UNANIMOUS

(Absent: Orchard)

**Discussion and action regarding letter of engagement with Ray Smith CPA regarding budget processes.**

**MOTION: AUTHORIZE THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH RAY SMITH CPA TO PROVIDE CONSULTING SERVICES AND RELATED WORK PRODUCT TO SUPPORT THE PREPARATION OF THE BUDGET FOR FISCAL YEAR 2016-2017.**

MOTION MADE: SHORT

SECONDED: KLUTTS

APPROVED: UNANIMOUS

(Absent: Orchard)

**Discussion and action regarding contract for landscape services.**

There was discussion regarding the terms of the agreement.

**MOTION: AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH SWIFT LAWN SERVICES FOR LANDSCAPE SERVICES FOR CITY HALL PROVIDED THAT THE CONTRACT IS REVISED TO PROVIDE FOR A 30-DAY BILATERAL NOTICE AGREEMENT TO EXTINGUISH THE CONTRACT.**

MOTION MADE: SHORT

SECONDED: LOVELL

APPROVED: UNANIMOUS

(Absent: Orchard)

**Discussion and action regarding a Use of City Hall/Community Room Policy.**

**MOTION: APPROVE RESOLUTION 2016-14R ESTABLISHING A COMMUNITY ROOM POLICY PROVIDED THAT POLICY SPECIFIES THAT ACCESS WILL BE THROUGH USE OF A PROXIMITY CARD UNLESS CIRCUMSTANCES NECESSITATE USE OF A KEY.**

MOTION MADE: SHORT

SECONDED: KLUTTS

APPROVED: UNANIMOUS

(Absent: Orchard)

**Presentation by Robert Steinhagen to report the results of a citywide voter survey conducted on behalf of Citizens for Representative Government.**

Item was deferred to a future meeting.

**Discussion regarding Agenda items submitted but which are being postponed to future meetings.**

Item was deferred to a future meeting.

**Discussion and action to adopt an ordinance prohibiting the Mayor and/or City Council from establishing any official or ceremonial proclamation that fails to gain unanimous consent of the full council.**

Steinhagen proposed and answered questions regarding adoption of an ordinance prohibiting issuance of a proclamation without full approval of the Council to avoid controversy in the instance of a subject on which the City Council may be divided. There was discussion regarding the proposed ordinance.

**MOTION: APPROVE AN ORDINANCE PROHIBITING THE MAYOR AND/OR CITY COUNCIL FROM ESTABLISHING ANY OFFICIAL OR CEREMONIAL PROCLAMATION THAT FAILS TO GAIN UNANIMOUS CONSENT OF THE FULL COUNCIL.**

MOTION MADE: STEINHAGEN  
SECONDED: KLUTTS  
MOTION FAILED: FOR: KLUTTS, STEINHAGEN  
OPPOSED: LOVELL, SHORT, HODGES

Hodges stated that Orchard, who was called out of town unexpectedly, requested that the next four items on the agenda be postponed. Steinhagen stated that he was in favor of deferring action pursuant to Orchard’s request but that he would like to proceed with discussion of the items. Short stated that he would prefer to discuss and act at the same meeting rather than discussing twice.

**Discussion and action to repeal City Ordinance 88-0, establishing a Board of Adjustment, which shall thereby transfer all responsibilities to the City Council in accordance with Chapter 211.008 of the Texas Local Government Code.**

The item was deferred to a future meeting.

**Discussion and action to repeal City Ordinance 85-1, establishing a Planning & Zoning Commission, which shall thereby transfer all responsibilities to the City Council in accordance with Chapter 211.007 of the Texas Local Government Code.**

Item was deferred to a future meeting.

**Discussion and action to change the Regular Meetings of the City Council to once per month, to fall on the second Tuesday of every month.**

Item was deferred to a future meeting.

**Discussion and action to dedicate the fourth Tuesday of every month for meetings of the City Council to address matters that relate to the planning & zoning or matters typically addressed by the Board of Adjusters, or to conduct Special Meetings as needed.**

Item was deferred to a future meeting.

**Discussion and action to mail a “State of the City” communiqué and newsletter to be published around the start of the school year.**

Steinhagen offered suggestions for a City newsletter that could include:

- a. Message from the Mayor.
- b. Offering constituents an email address subscription options to receive notifications.

- c. Presentation of financial status dashboard.
  - 1) Revenue (pie chart)
    - Sources of revenue by percentage.
    - Impact of rollback verses increased property assessments.
  - 2) Expenditures (pie chart)
    - Actual expenditures that do not have a converse.
  - 3) City hall building cost breakdown & update. (pie chart)
    - Construction cost breakdown (pie chart)
    - Furniture & equipment (pie chart)
  - 4) Revenue (pie chart)
    - a. Sources of revenue by percentage (pie chart)

Steinhagen offered to assist in the development of a newsletter. There was discussion regarding timing, frequency, distribution and content review and approval. The consensus of the Council was in support of the project.

**Discussion and action regarding utilization of briefs for agenda items.**

There was discussion regarding the use of an agenda brief or other format for submission of agenda items and supporting information and documents to be included in meeting packets. The consensus was to research options further. No action was taken by the Council.

**Reports and Announcements.**

City Administrator Dave Butler provided reports regarding recent Texas Department of Transportation (TxDOT) public meetings regarding future improvements to State Highway 205. (Copies of the TxDOT plans are available for review at City Hall), code enforcement activity and development inquiries.

The Building Official Report, Rockwall County Sheriff Activity Report and the McLendon-Chisholm Volunteer Fire Department (MCVFD) and EMS Activity for June 2016 were included in the Council packet. Fire Chief Robert Jones answered questions regarding MCVFD reports and how fire events and calls are paged out and ultimately categorized and recorded. There were requests for additional report information in pie chart format and for information regarding response times. Jones will check the capabilities of the software utilized by the Department and report back to the Council.

**EXECUTIVE SESSION**

The Mayor recessed the meeting to go into Executive Session (Closed Meeting) in accordance with Government Code §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 a request for refund of building permit fees by Altura Builders, LLC and the application to zoning of the Fair Housing Act. Hodges reconvened the meeting at 8:40 p.m. and stated that no action was taken in executive session.

**Announcements.**

Staff will send an email to the Council about scheduling a budget work session for an upcoming Monday evening.

Steinhagen related information regarding proposals at the State Senate level regarding the future of property taxes.

Lovell and Short requested excusal of absences on August 9.

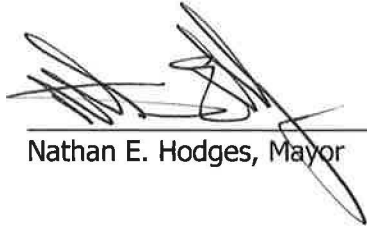
**MOTION: ADJOURN THE MEETING (8:47 P.M.).**

MOTION MADE: SHORT  
SECONDED: KLUTTS  
APPROVED: UNANIMOUS

(Absent: Orchard)

APPROVED:

ATTEST:

  
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Nathan E. Hodges, Mayor

  
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Stephanie Galanides, City Secretary

