



**CITY COUNCIL**  
**City of McLendon-Chisholm, Texas**  
**July 26, 2016**  
**Minutes**

City Council Present:	Nathan Hodges	Mayor
	Jerry Klutts	Council Member
	Gary Lovell	Mayor Pro Tem
	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.

**PRESENTATION - North Texas Municipal Water (NTMWD) District Water Supply Update.**

R. J. Muraski, Assistant Deputy Director for Capital Improvement Program and Planning and Billy George, Assistant Deputy Director for Water presented and answered questions regarding the North Texas Municipal Water District. The presentation included history, service area, capacity and sources, future water supply planning, rate structure and challenges associated with growth, aging infrastructure and regulatory requirements.

**Discussion and action regarding location of Rockwall County Radio System Tower on City-owned property behind City Hall situated at 1371 West FM 550.**

County Commissioner for Precinct 3 Dennis Bailey provided background regarding the search for and negotiations for securing a suitable site for a radio system tower to serve the portion of Rockwall County that includes McLendon-Chisholm. Citing concerns regarding potential delays and expenditures to date for proceeding with the site on a portion of Tract 15-2 in the L. Easterwood Abstract No. 79, Bailey requested that the plat of the Rockwall County Tower Site Addition consisting of a .157-acre lot out of Tract 15-2 be approved. There was discussion regarding other sites evaluated and reasons for elimination. Referring to City-owned property behind City Hall, Steinhagen and Orchard expressed concerns and regrets regarding revenue that leasing space on the tower might have generated.

**Discussion and action regarding the Plat of the Rockwall County Tower Site Addition consisting of 1 Lot (0.157 Acres) out of Tract 15-2 (18.30 acres) in the L. Easterwood Abstract No. 79 situated at 561 State Hwy 205 South – submitted by Rockwall County.**

**MOTION: CLOSE DISCUSSION REGARDING LOCATION OF ROCKWALL COUNTY RADIO SYSTEM TOWER AND FURTHER, APPROVE THE PLAT OF THE ROCKWALL COUNTY TOWER SITE ADDITION CONSISTING OF 1 LOT (0.157 ACRES) OUT OF TRACT 15-2 (18.30 ACRES) IN THE L. EASTERWOOD ABSTRACT NO. 79 SITUATED AT 561 STATE HWY 205 SOUTH.**

MOTION MADE: ORCHARD  
SECONDED: SHORT  
APPROVED: UNANIMOUS

**CITIZENS COMMENTS.**

Beverly Stibbens, 279 Partridge Drive, expressed opposition to the proposed abolishment of the Board of Adjustment and Planning and Zoning Commission. Stibbens stated that citizen volunteers work hard in performance of their responsibilities.

Mark Kipphut, 31 Fireside Drive, expressed opposition to the proposed repeal of ordinances that established the Board of Adjustment and Planning and Zoning Commission, stating that their elimination would consolidate power with the City Council, potentially violate citizens' rights and in the instance of an appeal to district court of a decision by the City Council acting as a Board of Adjustment lead to litigation.

Troy Reich, 441 Brian Glen and member of the Planning and Zoning Commission expressed concern regarding the perception that the Commission is not an asset to the City. Referring to the item on the agenda for a report of the results of a citywide voter survey, Reich stated that he was not surveyed and so, the wording of the item was not accurate.

Mike Davis, 106 Chaney Place, expressed support for small government and concern that the proposed abolishment of the Board of Adjustment and Planning and Zoning Commission and consolidation of power that could result in less oversight and less transparency.

Mike Donegan, 2620 Ridge Lake Lane, submitted a 2014 Planners Web article titled "Why Were You Interested in serving on Your Planning Commission?" in which it was stated that the two most cited reasons for serving as a planning commissioner were "having a voice heard on key local issues and being able to serve the community." Donegan recommended that the Planning and Zoning Commission and Board of Adjustment be maintained. Donegan expressed regret for interrupting a Council Member's comments during the May 25 work session.

Bart Davenport, 1291 Klutts Road, expressed agreement with previous statements of opposition to the abolishment of the Board of Adjustment and Planning and Zoning Commission.

Cyndi Lorton, 261 Meadowpark Lane and Chairwoman of the Board of Adjustment stated that the Board members take their responsibilities and charge seriously. Lorton asked that the Board of Adjustment be maintained.

**Discussion and action regarding amendment to contract with Severn Trent.**

Clay Taylor, Branch Manager, presented and answered questions regarding the proposed amendment to the City's contract with Severn Trent that covers the operation and maintenance of an additional lift station.

**MOTION: APPROVE AMENDMENT TO CONTRACT WITH SEVERN TRENT AS PRESENTED.**

MOTION MADE: SHORT  
SECONDED: ORCHARD  
APPROVED: UNANIMOUS

**Discussion regarding monthly sewer fees.**

Adrienne Balkum, 1518 Firenza Court, re-iterated concerns regarding residences within Sonoma Verde that she said had not received letters from or set up billing accounts with Severn Trent.

Hodges recessed the meeting at 8:25 p.m. The Mayor re-convened the meeting at 8:33 p.m.

**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 August 23 meeting.

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

Item was deferred to August 23 meeting.

**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.**

Item was deferred to August 23 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 August 23 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 August 23 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 August 23 meeting.

**Discussion and action regarding the Minutes of July 12, 2016.**

**MOTION: APPROVE THE MINUTES OF JULY 12, 2016 AS AMENDED ON PAGE 2 TO SPECIFY THAT THE MOTION REGARDING CEREMONIAL PROCLAMATIONS WAS MADE BY STEINHAGEN.**

MOTION MADE: STEINHAGEN  
SECONDED: SHORT  
APPROVED: UNANIMOUS

**Reports and Announcements.**

The Financial Reports for June 2016 were included in the meeting packet.

**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 at 8:37 p.m. Hodges reconvened the meeting at 8:49 p.m. and stated that no action was taken in executive session.

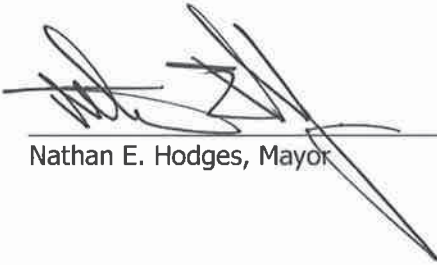
**MOTION: APPROVE THE COMPROMISE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL CLAIMS WITH ALTURA BUILDER, LLC AS PRESENTED AND AUTHORIZE THE MAYOR TO EXECUTE THE DOCUMENT ON THE CITY'S BEHALF.**

MOTION MADE: SHORT  
SECONDED: KLUTTS  
APPROVED: UNANIMOUS

**MOTION: ADJOURN THE MEETING (8:50 P.M.).**

MOTION MADE: KLUTTS  
SECONDED: SHORT  
APPROVED: UNANIMOUS

APPROVED:



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Nathan E. Hodges, Mayor

ATTEST:



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Stephanie Galanides, City Secretary

