



CITY COUNCIL
City of McLendon-Chisholm, Texas
February 14, 2017
Minutes

City Council Present:	Nathan Hodges	Mayor
	Gary Lovell	Mayor Pro Tem
	Wayne Orchard	Council Member
	Patrick Short	Council Member
	Robert Steinhagen	Council Member
City Council Vacant:	Place 5	Council Member
Staff Present:	David Butler	City Administrator
	Stephanie Galanides	City Secretary
	David Paschall	City Attorney

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

CITIZENS COMMENTS

There were none present to speak regarding agenda or non-agenda items.

Presentation regarding Rockwall County Open Space Alliance.

Nell Wellborn presented background and information and answered questions regarding the Rockwall County Open Space Alliance (OSA), the mission of which is to preserve Rockwall County's land and natural resources for the benefit of all. Wellborn invited all to attend an OSA fundraiser Barbeque on April 29 at Tate Farms.

Discussion and action regarding City Council Member Place 5 vacancy:

Receive and vote on nominations to appoint a person to fill the vacancy and to serve until the next regular municipal election on May 6, 2017 and approval of Resolution 2017-05 making the appointment; or Resolution and Order 2017-05 Ordering a Special Election to be held on Saturday, May 6, 2017 for the purpose of electing a person to fill the vacancy and for a two-year term.

Council Member Lovell stated that he supported keeping Place 5 vacant until the May 6 General Election in order that the voters can make the decision regarding. Short expressed agreement with Lovell's position and noted that deceased Council Member Jerry Klutts often stated the opinion that the people should decide. Council Member Steinhagen directed questions to city attorney David Paschall regarding Election Code provisions pertaining to vacancies on the City Council and to timelines for calling special elections. There was discussion to clarify that Adrienne Balkum, Rhonda Davis and Mark Kipphut had expressed interested in being appointed to the vacant seat since the names and information about just two individuals, that of Mrs. Balkum & Mrs. Davis, were included as potential nominees in the council packets. Mr. Kipphut, who was attending the meeting, clarified that Mayor Hodges had asked him about his willingness to fill the vacancy, which he would do if appointed, but had not submitted his name. Steinhagen stated that the Mayor had given him no indication until that moment that he was considering nominating Mr. Kipphut if the Council decided to move forward with opening nominations for an appointment to fill the vacated seat. Steinhagen stated that it was apparent that the decision not to move forward with filling the vacancy was a

forgone conclusion and that, since he held the floor, he would take the opportunity to share some facts. Steinhagen shared conversations he had with the late Jerry Klutts regarding the possibility of Adrienne Balkum running for Place 5 on the City Council and stated that Klutts had been supportive. Steinhagen stated that before he asked for the item to be placed on the meeting agenda, that he had asked Lovell and Orchard, in separate conversations, if they had any problem with filling the vacancy or if they had any objection to him nominating Mrs. Balkum, which he stated neither had any objections to either question. He stated that he then met together with Jerry's widow and two of his daughters to ask if they had any problem with filling the seat or with him nominating Balkum to fill the vacancy and they expressed their full support. Following that he stated that on January 27 he emailed the Mayor, and blind-copied the city council, a request that an item to fill the vacancy be placed on the agenda and expressed his intent to nominate Balkum for the vacancy, which was more than two weeks in advance of the next regular city council meeting. He then noted his postings to Facebook, Nextdoor.com, and on his website in an effort to be as transparent as possible, so that citizens could weigh in on the nomination and so that city council members had time to vet her. He noted that Councilman Orchard held a reception that was open to all citizens so that they could come and meet Mrs. Balkum. Steinhagen then read portions of a January 30 email he received from the Mayor who wrote that after discussing the matter with Councilman Lovell, he thought it was best to focus on people who are willing to serve beyond May and are planning to file to run for council and was unsure of Mrs. Balkum's intentions beyond May. Steinhagen also read that the Mayor's email had stated that others had expressed interest in serving. Steinhagen then read his email response to the Mayor, which stated that Mrs. Balkum *was* filing to run for the council in the May election and that he was aware of only one other person that had expressed interest in the filling the vacated seat, which was Rhonda Davis, whose name was submitted just two hours before Steinhagen's reply. Steinhagen read an excerpt which stated "Also, would you agree that for anyone that is interested in being nominated, or if a member of the council is considering nominating someone, that their name should be submitted to us in advance of the next city council meeting?" Steinhagen stated that the Mayor should have disclosed that he was planning to nominate Mr. Kipphut in advance of the meeting, just as he had done. Steinhagen stated that Councilman Lovell called him before the Agenda was posted with a change of heart about Mrs. Balkum's nomination because she lived in Sonoma Verde, which Councilman Klutts had been concerned about. Steinhagen said that he answered Lovell's concern that Jerry liked Mrs. Balkum because she was a resident of the development who shared his commitment to protecting the wide-open spaces. Steinhagen stated that Lovell called him again to express another concern that filling the seat was disrespectful to Rita Klutts, Jerry's widow, to which Steinhagen reminded Lovell that he had already spoken with Rita who was in support of the nomination and stated that Lovell felt that he should reach out to Rita on his own. Steinhagen said that he supported Lovell doing that and offered that if, after speaking with Rita, she may have changed her mind about filling the seat or nominating Mrs. Balkum, that he would agree not to move forward with trying to fill the seat or, if the concern was over Mrs. Balkum's nomination, would be open to other nominees that came up for consideration. Steinhagen expressed disappointment that the Council might not take advantage of the opportunity to appoint a nominee that shared Klutts' s point of view on many issues. Orchard expressed support for the appointment of Balkum. Short and Hodges expressed appreciation to Balkum, Davis and Kipphut for their willingness to serve and assured them that their preference to leave the seat vacant until the election was not personal.

Discussion regarding Election Code provisions pertaining to special elections continued.

MOTION: APPROVE RESOLUTION AND ORDER 2017-05 ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 6, 2017 FOR ELECTING A PERSON TO FILL THE VACANCY AND FOR A TWO-YEAR TERM.

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

Issuance of Oath of Office to newly appointed person to City Council Member Place 5 if an appointment is made.

No appointment was made.

Discussion and action regarding the Minutes of January 10, 2017 and January 24, 2017.

MOTION: APPROVE THE MINUTES OF JANUARY 10, 2017 AND JANUARY 24, 2017.

MOTION MADE: LOVELL
SECONDED: ORCHARD
APPROVED: UNANIMOUS

Discussion and action regarding Interlocal Agreement with Rockwall County for Use of the Rockwall County Interoperability Radio Network.

MOTION: APPROVE THE INTERLOCAL AGREEMENT WITH ROCKWALL COUNTY FOR USE OF THE ROCKWALL COUNTY INTEROPERABILITY RADIO NETWORK AS PRESENTED.

MOTION MADE: ORCHARD
SECONDED: SHORT
APPROVED: UNANIMOUS

Discussion and action regarding building inspection service providers regarding provision of plan review and building inspection services.

The Council resumed discussion (1/24/2017, 1/10/2017, 12/13/2016, 11/15/2016) of proposals for plan review and building inspection services submitted by Bureau Veritas and Lee Roberts Inspections. Ty Chapman, Director of Inspections provided information regarding services provided by Bureau Veritas. Short asked how many inspectors Bureau Veritas used for M-C, noting that having many inspectors provided significant benefit to the city to help ensure that inspections are conducted in a timely fashion, and Mr. Chapman answered that ninety percent of the time the city has needed just one inspector and that bringing in the second inspector was when the person assigned to the city was sick or busy with other projects. Steinhagen stated that Lee Roberts was a two-man operation, which should therefore have no trouble keeping up with demand. Orchard proposed that the City should try using the services of Lee Roberts Inspections that it appeared would increase building permit revenue by at least \$30 thousand. Orchard suggested that should the Bureau Veritas agreement remain in place, the City could conceivably resume using their services if the arrangement with Lee Roberts did not work out.

MOTION: ENTER INTO A CONTRACT WITH LEE ROBERTS INSPECTIONS FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES BASED ON OPTION 1 OF THE PROPOSAL DATED DECEMBER 28, 2016.

MOTION MADE: ORCHARD

Steinhagen suggested that the provision regarding termination be revised to specify that the agreement could be terminated by either party.

There was discussion regarding the motion and regarding whether the agreement with Bureau Veritas would remain in place. Chapman stated that Bureau Veritas would likely terminate the agreement should the Council decide to use the services of Lee Robert Inspections. Hodges expressed concern that if the city were to terminate the agreement and then later try and reengage Bureau Veritas, that the terms would not be as beneficial to the city where the city currently splits the inspection revenue with Bureau Veritas. There was discussion regarding projects underway. Chapman stated that Bureau Veritas would complete projects for which they had reviewed and approved plans. Lovell stated his opinion that the proposed change would result in administrative issues and that the potential increased revenue would not be worth the issues it might cause. Steinhagen stated that he estimated the savings to the city would be well over fifty thousand dollars and that the two companies are doing the same work so whatever administrative challenges that the city may face is insignificant to the benefit to the city, especially when the quality of inspections is equal, and that Bureau Veritas has established that they will finish all of the current projects underway, which overcomes that concern.

AMENDED MOTION: ENTER INTO A CONTRACT WITH LEE ROBERTS INSPECTIONS FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES BASED ON OPTION 1 OF THE PROPOSAL DATED DECEMBER 28, 2016 PROVIDED THAT THE CONTRACT SPECIFIES THAT EITHER PARTY MAY TERMINATE THE AGREEMENT WITH 30-DAY NOTICE AND FURTHER PROVIDED THAT THE CONTRACT IS REVIEWED BY THE CITY ATTORNEY.

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

Discussion and action regarding Resolution 2017-04 designating the Official Newspaper of the City.

MOTION: APPROVE RESOLUTION 2017-04 DESIGNATING THE ROCKWALL HERALD BANNER AS THE OFFICIAL NEWSPAPER OF THE CITY.

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

Discussion and action regarding appointments to the Planning and Zoning Commission and Board of Adjustment.

The item was deferred to February 28. No action was taken by the Council.

Discussion and action regarding appointments to the Ad-Hoc Audit Review Committee.

The item was deferred to February 28. No action was taken by the Council.

Discussion regarding news release protocol.

There was discussion regarding news releases protocol in the instance of matters of public interest including newsworthy items pertaining to public figures. Steinhagen argued that the death of Councilman Klutts should have been released to the Press, as he was a public figure and it is important that citizens be made aware when issues like these come up in the future. Steinhagen noted that matters that may be newsworthy however may not be in the best interest of the city and the city must therefore have discretion when releasing certain public information. Steinhagen

proposed that when matters of public interest comes up that the Mayor should determine when a news release is appropriate and direct staff accordingly. The Council agreed.

Short stated serving the City of McLendon-Chisholm for the past eight years had been an honor and a privilege. Short stated that he would not be filing for reelection for Place 3 on the City Council. Short expressed confidence that the City would continue to grow and that the Council would serve all of its citizens.

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 at 8:08 p.m. Hodges reconvened the meeting at 8:43 p.m. and stated that no action was taken in executive session.

Discussion and action regarding release of Citizen Survey Report.

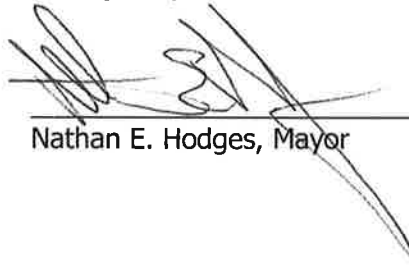
Steinhagen stated that the report in question was a summary report of the Citizen Survey 2016 data that he had prepared and hoped to present at a future City Council meeting. Steinhagen stated that the report includes his narrative regarding analysis of the results and may not reflect the views of the Council. Steinhagen stated that his hope was that the report would help the Council understand the issues important to the citizens and guide them in making future decisions. Steinhagen noted that comments that were insensitive or mean-spirited were redacted. Steinhagen stated that he would like for the report to be accessible via the City's website. Short stated that an updated report was recently provided and he would prefer to wait until the next meeting to make a decision. The consensus of the Council was to schedule a presentation of the survey results by Steinhagen and postpone consideration of release of the report at the next meeting.

Discussion and action regarding executive session items.

MOTION: ADJOURN THE MEETING (8:49 P.M.).

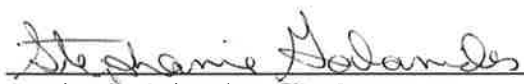
MOTION MADE: SHORT
SECONDED: LOVELL
APPROVED: UNANIMOUS (Vacant: Place 5)

APPROVED:



Nathan E. Hodges, Mayor

ATTEST:



Stephanie Galanides, City Secretary

