



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

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

Mayor Hodges called the meeting to order and led the recitation of the Pledges of Allegiance to the United States and Texas flags at 6:32 p.m. Council Member Short delivered the invocation

Remembrance of Resident Lonnie Cannon - Council Member Steinhagen.

Council Member Steinhagen shared history and remembrances of and said a prayer of thanks for resident and friend, Lonnie Ray Cannon, Sr. who passed away on March 6, 2017.

CITIZENS COMMENTS.

Scott Turnbull, 1117 Newkirk Court, stated that he was troubled that a vendor had declined to do business with the City due to perceived political divisiveness and expressed his hope that such discord was a thing of the past. Turnbull also expressed concern regarding and hope that the Council would take every action possible to prevent potential high density development on 641.6711 acres of land in the Franklin Baugess Survey, Abstract No. 7 abutting Edwards Road in the City of McLendon-Chisholm Extraterritorial Jurisdiction (ETJ), property for which an application for Consent to the Creation of a Water Control and Improvement District had been received.

Discussion and action regarding the Minutes of February 14; February 20; and February 28, 2017.

MOTION: APPROVE THE MINUTES OF FEBRUARY 14 AS AMENDED BY COUNCIL MEMBER STEINHAGEN, APPROVE THE MINUTES OF FEBRUARY 20 AND FURTHER, DEFER ACTION REGARDING THE MINUTES OF FEBRUARY 28.

MOTION MADE: STEINHAGEN
SECONDED: ORCHARD
APPROVED: UNANIMOUS

Discussion and action regarding citizen of the year.

Steinhagen stated his opinion that rather than designating an elected or appointed official as Citizen of the Year, the designation should be awarded to a resident that does something extraordinary and who demonstrates selflessness. Steinhagen nominated resident Tish Bruckner who donated one of her kidneys to a gravely ill friend as Special Citizen of the Year for 2016. Steinhagen suggested that future nominations be solicited from citizens.

MOTION: NOMINATE TISH BRUCKNER AS 2016 CITIZEN OF THE YEAR IN McLENDON-CHISHOLM.

MOTION MADE: STEINHAGEN
SECONDED: SHORT

The consensus of the Council was in support of the nomination and of the opportunity to raise awareness and promote information about the need for organ donors and donor card registration.

APPROVED: UNANIMOUS

MOTION: APPROVE THE MINUTES OF FEBRUARY 14 AS AMENDED BY COUNCIL MEMBER STEINHAGEN, APPROVE THE MINUTES OF FEBRUARY 20 AND FURTHER, DEFER ACTION REGARDING THE MINUTES OF FEBRUARY 28.

MOTION MADE: STEINHAGEN
SECONDED: ORCHARD
APPROVED: UNANIMOUS

Discussion and action regarding participation in City of Rockwall Household Hazardous Waste Day on April 22, 2017.

Hodges shared information regarding participation in the City of Rockwall annual Household Hazardous Waste event. Staff recommendation was to authorize expenditure for 30 vouchers (@\$125), publicize on the City's website and Facebook pages and encourage homeowner associations to coordinate efforts in neighborhoods. There was discussion regarding whether residents of McLendon-Chisholm could get vouchers from Rockwall County. Staff will contact the County to clarify the information on the flyer provided by the City of Rockwall. There was discussion regarding setting up a collection point at City Hall on Saturday, April 22 from 8:00 AM to 12:00 PM for residents who are not part of a homeowner association and regarding how to disseminate information.

MOTION: SHOULD IT BE DETERMINED THAT CITY OF McLENDON-CHISHOLM RESIDENTS ARE NOT ALLOWED TO PROCURE VOUCHERS FROM ROCKWALL COUNTY, AUTHORIZE EXPENDITURE NOT TO EXCEED \$3750 FOR 30 VOUCHERS FOR PARTICIPATION IN THE APRIL 22, 2017 CITY OF ROCKWALL HOUSEHOLD HAZARDOUS WASTE DAY.

MOTION MADE: STEINHAGEN
SECONDED: SHORT
APPROVED: UNANIMOUS

Discussion and action regarding Ordinance 2017-02 amending the Code of Ordinances in Chapter 3, Building Regulations, by adding a new Article 3.07, Limitation on Construction Times, and Sections 3.07.01 – 3.07.03.

City Attorney David Paschall provided background regarding the draft ordinance regulating construction hours. Paschall stated that a similar ordinance was approved in 2004 and amended in 2005 but that signed ordinances were not found and the ordinances were not included in the City's codified ordinances. Paschall stated that the new draft under consideration would apply to SF 1.5, SF 2.5 and Planned Development zoning districts and would not apply to home remodeling and repair projects or to urgent and necessary work performed in the interest of the public's health, safety or welfare. Steinhagen suggested that the exemption for concrete be removed from the ordinance, noting that the intent of the ordinance was to minimize noise and concrete trucks and operations were incredibly noisy. There was discussion regarding the concrete exemption as drafted, whether provision for granting of a variance should be included and complaint and enforcement procedures. Adrienne Balkum, 1518 Firenze Drive, and Bev Stibbens, 279 Partridge Drive participated in the discussion.

MOTION: APPROVE ORDINANCE 2017-02 AMENDING THE CODE OF ORDINANCES IN CHAPTER 3, BUILDING REGULATIONS, BY ADDING A NEW ARTICLE 3.07, LIMITATION ON CONSTRUCTION TIMES, AND SECTIONS 3.07.01 - 3.07.03 AS AMENDED TO DELETE THE EXCEPTION FOR CONCRETE.

MOTION MADE: STEINHAGEN
SECONDED: LOVELL

Discussion regarding the draft ordinance continued. The consensus of the Council was that the regulations should also apply to construction in General Business and Commercial zoning districts. Steinhagen amended the motion as specified below:

MOTION: APPROVE ORDINANCE 2017-02 AMENDING THE CODE OF ORDINANCES IN CHAPTER 3, BUILDING REGULATIONS, BY ADDING A NEW ARTICLE 3.07, LIMITATION ON CONSTRUCTION TIMES, AND SECTIONS 3.07.01 - 3.07.03 AS AMENDED TO 1.) DELETE THE EXCEPTION FOR CONCRETE; 2.) REVISE SECTION 3.07.02(a) IN ORDER THAT PROVISIONS APPLY TO ALL ZONING DISTRICTS EXCEPT FOR AGRICULTURAL (A) AND SF5 SINGLE-FAMILY RESIDENTIAL DISTRICTS; AND 3.) CORRECT SPELLING ERROR IN THE 5TH "WHEREAS" CLAUSE ON PAGE 1 OF THE ORDINANCE.

MOTION MADE: STEINHAGEN
SECONDED: SHORT
APPROVED: UNANIMOUS

Discussion and action regarding Ordinance 2017-03 Amending Article 1.02 ("Administration") of Chapter 1 ("General Provisions") of the Code of Ordinances by amending Section 1.02.031 of Division 2 ("City Attorney"), Section 1.02.061 of Division 3 ("Secretary-Treasurer"), Section 1.02.092 of Division 4 ("City Administrator") and Section 1.02.121 of Division 5 ("Municipal Judge") to provide for the appointment or selection of persons to these offices by the Mayor; repealing Section 7.01.002 of Article 7.01 ("General Provisions") of Chapter 7 ("Municipal Court") of the Code of Ordinances as being duplicative of the above-described Section 1.02.121 of the Code of Ordinances.

There was discussion regarding drafts of an ordinance amending provisions pertaining to appointment of certain officers and staff positions. The consensus of the Council was that the Mayor should select nominees for appointment of City Administrator, City Secretary-Treasurer, City Attorney and Municipal Court Judge, and do the same for the necessary positions of City Planner and City Engineer.

MOTION: APPROVE ORDINANCE 2017-03 (OPTION B) AMENDING ARTICLE 1.02 ("ADMINISTRATION") OF CHAPTER 1 ("GENERAL PROVISIONS") OF THE CODE OF ORDINANCES BY AMENDING SECTION 1.02.031 OF DIVISION 2 ("CITY ATTORNEY"), SECTION 1.02.061 OF DIVISION 3 ("SECRETARY-TREASURER"), SECTION 1.02.092 OF DIVISION 4 ("CITY ADMINISTRATOR") AND SECTION 1.02.121 OF DIVISION 5 ("MUNICIPAL JUDGE") TO PROVIDE FOR THE SELECTION OF PERSONS TO THESE OFFICES BY THE MAYOR WITH APPROVAL BY A MAJORITY VOTE OF THE CITY COUNCIL; REPEALING SECTION 7.01.002 OF ARTICLE 7.01 ("GENERAL PROVISIONS") OF CHAPTER 7 ("MUNICIPAL COURT") OF THE CODE OF ORDINANCES AS BEING DUPLICATIVE OF THE ABOVE-DESCRIBED SECTION 1.02.121 OF THE CODE OF ORDINANCES PROVIDED THAT THE DRAFT ORDINANCE IS AMENDED TO FURTHER SPECIFY THAT "CITY PLANNER" AND "CITY ENGINEER" WILL BE SELECTED BY THE MAYOR WITH APPROVAL BY A MAJORITY VOTE OF THE CITY COUNCIL

MOTION MADE: SHORT
SECONDED: ORCHARD
APPROVED: UNANIMOUS

Discussion regarding a Request for Consent to the Creation of a Water Control and Improvement District on 641.6711 acres of land in the Franklin Baugess Survey, Abstract No. 7 abutting Edwards Road within the City of McLendon-Chisholm Extraterritorial Jurisdiction.

Dorothy Beaver, contract secretary for Shupe Ventura, PLLC that delivered the Request for Consent to the Creation of a Water Control and Improvement District (Request) on March 3, 2017, was in attendance. Paschall described the location of the subject property in the City's extraterritorial jurisdiction (ETJ) and provided the following information pertaining to the Request:

- The City has authority to regulate subdivision of property in its ETJ;
- The City does not have authority to regulate zoning or issue building permits in its ETJ;
- State law requires that the property owner request consent of the City to form a water control improvement district;
- A water control improvement district is essentially a political entity that has the right to tax, the right to condemn property and can construct infrastructure to support development on the property;
- The City has 90 days from date of delivery of the request to either consent or deny consent;
- Should the City decide to consent it may impose certain conditions such as the right to inspect infrastructure to ensure it complies with the City's standards;
- Should the City not grant consent, the owners would then petition the City to provide water and sanitary sewer service to the property;
- After 120 days, the City may either agree or not agree to provide water and sanitary sewer service or it could do nothing in which case, the City's consent to the formation of the district is deemed and the owner then must file an application with the Texas Commission on Environmental Quality (TCEQ) for the district to be formed;
- The City can enter into a development agreement with the owner or developer;

The was discussion regarding the Request. Items discussed included the property owner/developer's contemplated density of development on the property, whether the City can challenge statements in the Request that the Council determines are erroneous or false as part of its answer to the Request and what constitutes grounds for challenging the Request. Paschall suggested that the matter be deferred to the March 28 meeting to provide time to further research processes pertaining to the Request for Consent to the Creation of a Water Control and Improvement District and the City's authority regarding running of pipelines through the City and to learn more about the owner's intentions regarding the property.

Update and discussion regarding contract for plan review and building inspection services.

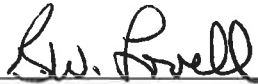
There was discussion regarding the decision by Lee Roberts to decline to enter into an agreement as approved by the City Council on February 28. Orchard expressed disappointment regarding Roberts's decision and speculation that something had occurred to cause Roberts to change his mind. Orchard stated that he wanted to continue to explore options for plan review and building inspection services and that he would like to meet with Bureau Veritas either individually or with the entire City Council to discuss terms and service. Steinhagen stated that the developer of Sonoma Verde told him he was glad the City was changing inspectors because his company received many complaints regarding work being green-tagged when other City ordinances were being violated. Steinhagen expressed frustration and anger regarding a missed opportunity to have qualified inspectors working for the City that would have resulted in significant savings. The Council discussed apparent confusion on Roberts's part regarding meetings with staff and a request for a meeting with the Mayor. Orchard stated that he will contact City Administrator Dave Butler to set up a meeting with Bureau Veritas and regarding looking for other options for plan review and building inspection services.

MOTION: ADJOURN THE MEETING (8:21 P.M.).

MOTION MADE: SHORT
SECONDED: ORCHARD
APPROVED: UNANIMOUS

APPROVED:

ATTEST:



Gary Lovell, Mayor Pro Tem



Stephanie Galanides, City Secretary

