



**CITY COUNCIL**  
**City of McLendon-Chisholm, Texas**  
**March 28, 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 at 6:30 p.m. Campbell Steinhagen, daughter of Council Member Robert Steinhagen led the recitation of the Pledges of Allegiance to the United States and Texas flags. Council Member Short delivered the invocation.

**CITIZENS COMMENTS.**

Bev Stibbens, 279 Partridge Drive, speaking on behalf of the Rockwall County Open Space Alliance, extended an invitation to the Sunset & Stars Barbecue fundraising event to be held at Summerfield at Tate Farms on April 29 starting at 6:30 p.m.

**Ceremonial presentation of "2016 McLendon-Chisholm Citizen of the Year."**

Steinhagen stated that the City Council voted unanimously to present the 2016 Citizen of the Year award to resident Tish Bruckner who donated a kidney to save the life of her formerly gravely ill friend Kristine Swift. Swift, who lives in Florida was a surprise attendee and provided background information regarding her illness, her relationship with Bruckner and the astounding improvement to her health afforded by her friend's selfless act. Bruckner expressed appreciation that she was afforded the opportunity to give back blessings, including good health, that she has received and in doing so was able to help her friend. Steinhagen invited that a link to a website for making donations and learning more about organ donation <https://team.kidney.org/campaign/tish> would be posted on the City's website.

**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 and Government Code §551.074: Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee at 6:46 p.m. Hodges reconvened the meeting at 8:40 p.m. and stated that no action was taken in executive session.

**Discussion and direction regarding Sonoma Public Improvement District (PID) Phase 2.**

Financial Advisor Boyd London of Hilltop Securities, Inc. (formerly First Southwest) reviewed background regarding the Sonoma Public Improvement District (PID) and plans for issuance of bonds to fund Phase 2 of the development as provided for in the Sonoma Verde Development

Agreement. London asked the City Council for direction for proceeding with the bond issuance for Sonoma Verde Phase 2. Council expressed concerns regarding current traffic flow and traffic safety and regarding the potential exasperation of additional development in Sonoma Verde on traffic issues. Items discussed included the projected timeline for Texas Department of Transportation (TxDOT) improvements to State Highway 205, options for accelerating improvements to League Road and options for improving traffic flow and safety for current and future residents. Developer Joey Howell and Robert Miklos, attorney for the developer participated in the discussion. Recognizing the Council reluctance to proceed prior to addressing traffic concerns, Miklos stated that the developer could get traffic engineers to review and identify options to alleviate traffic concerns. The Mayor noted that the Rockwall County's consultant for TxDOT projects John Polster is scheduled to come to the June 13 City Council meeting to provide information regarding the State Highway 205 project. Paschall reiterated Miklos's invitation to discuss traffic concerns further in the coming weeks. Paschall introduced Chris Settle of McCall, Parkhurst, & Horton LLP, Partner of the City's Bond Counsel Leroy Grawunder. Howell stated that they were willing to have a working dialogue with the City and the County to discuss traffic issues.

Orchard inquired stated that he was recently made aware of the amount of the annual homeowner association (HOA) dues for Sonoma Verde residents and expressed the opinion that the dues might be excessive. Howell provided information regarding items and amenities covered by HOA dues and stated that they (the developers) would review the dues.

#### **Update, discussion and action regarding contract for plan review and building inspection services.**

Paschall provided information and answered questions regarding the draft agreement for plan review and building inspections and regarding the addendum to the draft added by North East Texas Inspections. Lee Roberts of North East Texas Inspections participated in the discussion. There was discussion regarding the provision that requires professional liability insurance to cover errors and omissions. In response to a question from the Council, Roberts indicated that he did not think professional liability insurance was necessary but that he was willing to get it if required. Paschall stated that he was willing to work with Roberts and his insurance agent to clarify the type of insurance required by the agreement. Steinhagen stated that he would support the insurance requirement only if the City paid for it. Orchard suggested that the Council, the City Attorney and Roberts work together to determine if and what type of professional insurance would be required. Short expressed agreement with Orchard's suggestion.

Short inquired regarding Fire Code issues. Roberts stated that he was certified to inspect for compliance with the Fire Code but was not qualified to do plan review and inspection of automatic fire suppression (sprinkler) systems. In response to a question from Short, Roberts confirmed that he would sub-contract for plan review and inspections of fire suppression systems.

Roberts confirmed that he and David Ellis planned to form a general partnership to be called North East Texas Inspections. The City attorney reviewed provisions in the agreement pertaining to consultation fees (\$175 per hour) and indemnity.

Authorization to execute the agreement was approved on February 28. No action was taken by the Council.

#### **Reports and Announcements;**

The reports were included in the Council packet.

- a) Financial Reports for February 2017.

Ray Smith, owner and manager of Ray Smith CPA, presented an overview of and answered questions regarding the City's Statement of Revenues and Expenditures for the five months ended February 2017 and February 2016 and the City's Balance Sheet as of February 28, 2017.

- b) Building Official Report for February 2017.
- c) Rockwall County Sheriff Activity for February 2017.
- d) McLendon-Chisholm Volunteer Fire Department and EMS Activity for February 2017.
- e) Other reports or announcements.

**Discussion and action to Amend Article 6.03 ("On-Site Sewage Disposal Systems and Facilities) of Chapter 6 ("Health and Sanitation") of the Code of Ordinances by amending Section 6.03.006 to provide homeowners, who have successfully completed the basic maintenance provider course provided by a TCEQ approved training provider, the option of maintaining their own septic system.**

Paschall presented the draft ordinance that would amend the City's regulations pertaining to On-Site Disposal Systems (OSSF 's) to provide that homeowners, who have successfully completed the basic maintenance provider course provided by a Texas Commission on Environmental Quality (TCEQ) approved training provider, the option of maintaining their own septic system. Paschall stated that the amending the OSSF regulations required published notice, a public hearing, approval by the City Council and submission to and approval by the TCEQ. Steinhagen read aloud an email in which he explained the reasons he supported the proposed amendment to a resident who had expressed concerns.

Herb Harker, 321 Partridge Drive and Osorio Mahmood, 651 Frontier Trail expressed support for the proposed amendment. There was discussion regarding provisions of the proposed amendment. Kelly Stockburger, the City's Designated Representative participated in the discussion.

Staff was directed to publish notice and schedule a public hearing for April 11 to receive public input regarding the proposed amendment to Article 6.03 ("On-Site Sewage Disposal Systems and Facilities) of Chapter 6 ("Health and Sanitation") of the Code of Ordinances.

**Resignation**

Mayor Hodges read aloud a letter expressing his intent to resign from the position of Mayor as of April 4, 2014

**Discussion and action regarding Draft 2016 Audited Financial Statements for the City of McLendon-Chisholm and for the Sonoma Public Improvement District (PID).**

**MOTION: AUTHORIZE FILING OF THE DRAFT 2016 AUDITED FINANCIAL STATEMENTS FOR THE CITY AND FOR THE SONOMA PUBLIC IMPROVEMENT DISTRICT (PID).**

MOTION MADE: STEINHAGEN  
SECONDED: ORCHARD  
APPROVED: UNANIMOUS

**Discussion and action regarding the Minutes of February 28, 2017 and March 14, 2017.**

The item was deferred to the April 11, 2017 meeting.

**Discussion and action regarding regulation of door-to-door solicitation.**

The item was deferred to the April 11, 2017 meeting.


**MOTION: ADJOURN THE MEETING (10:39 P.M.).**

MOTION MADE: STEINHAGEN  
SECONDED: SHORT  
APPROVED: UNANIMOUS

APPROVED:

  
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Gary Lovell, Mayor Pro Tem

ATTEST:

  
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Stephanie Galanides, City Secretary

